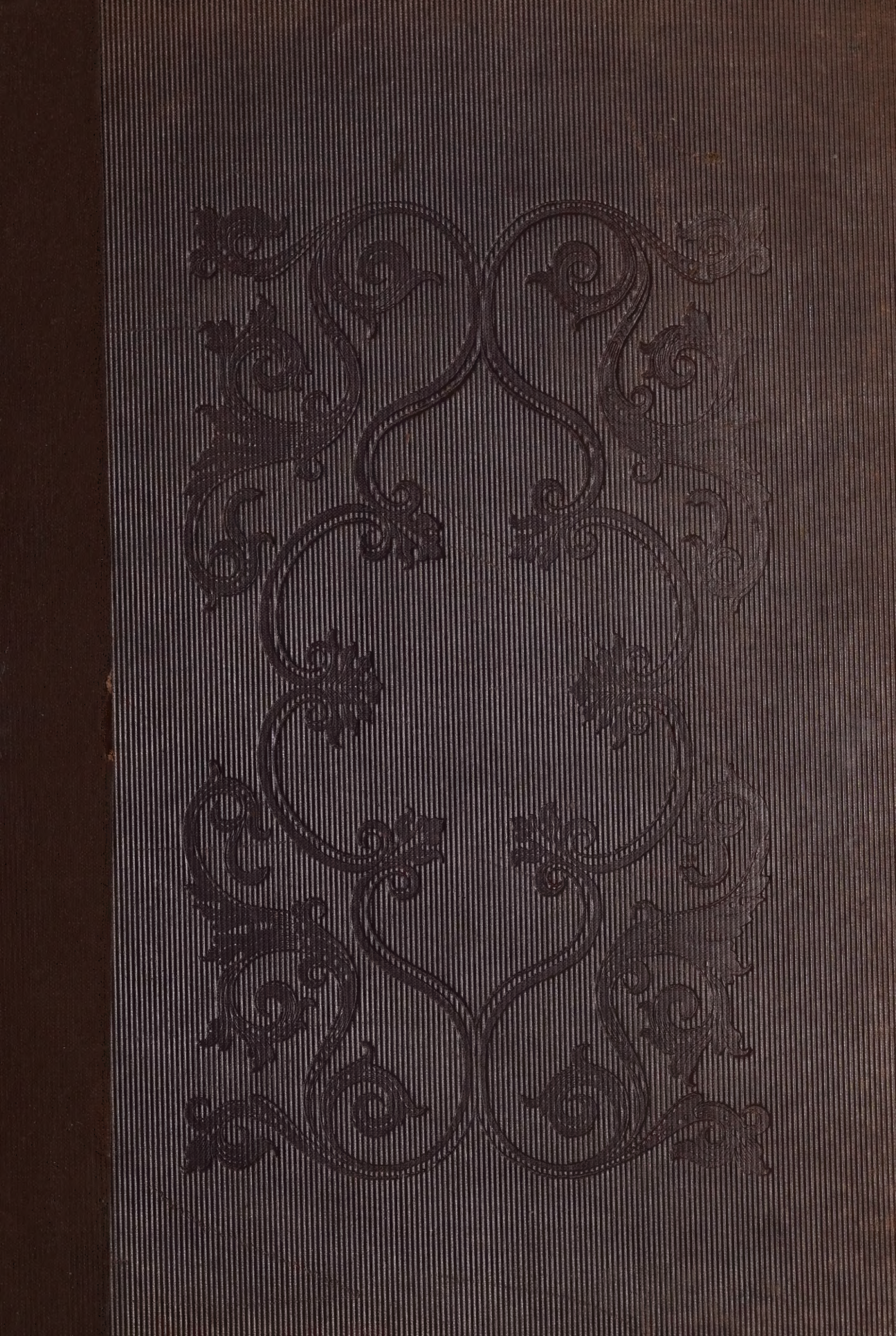

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# DODD'S

# CHURCH HISTORY

OF

# ENGLAND

FROM THE COMMENCEMENT OF THE SIXTEENTH CENTURY TO THE REVOLUTION IN 1688.

WITH

Notes, Additions, and a Continuation

BY

THE REV. M. A. TIERNEY, F.R.S., F.S.A.

VOL. IV.

Seal of Cardinal Bellarmine.

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# ADVERTISEMENT.

SINCE the publication of the preceding volumes, my attention has been called to a note in vol. ii. pp. 120, 121, where, relying on the authority of Pallavicino, and following the example of our best historians, I have said that Elizabeth, on her accession, ordered Carne, the resident ambassador at Rome, to notify that event to the reigning pontiff, Paul the fourth; that, in reply, Paul not only denounced her as a bastard, but also refused to acknowledge her title, until she should have submitted her claims to his judgment; and, finally, that Elizabeth, stung by the affront conveyed in this haughty and irritating answer, immediately recalled Carne, and broke off all further intercourse with the Roman court. There is no doubt that this statement, in all its parts, is a pure fabrication. As far as I can discover, it is indebted for its origin to the inventive powers of father Paul Sarpi, who, in 1619, sixty years after the date of the supposed transaction, first published it in his history of the council of Trent (ad annum 1558, lib. v. 420, Ed. Genev. 1660). From Sarpi

it was copied, first by Spondanus (ad an. 1559, n. 5), and afterwards by Sarpi's professed opponent, Pallavicino (ii. lib. xiv. c. 8. p. 532). These were followed by Heylin, Burnet, Fleury, Carte, Hume, and numerous other writers; and the story thus repeated by successive authors, seems at length to have acquired a species of prescriptive title to belief. But the industry of Mr. Howard of Corby has lately stepped in, to detect and expose its falsehood. Among the correspondence still preserved in the State Paper Office, that gentleman has discovered two letters written by Carne, one to Cecil in December, 1558, and the other to Elizabeth in the following April. An intermediate despatch, addressed also to Elizabeth, he has found in the Cotton Library; and from these, and from some other printed and MS. documents, he has distinctly shown that no official notification of the queen's accession was ever conveyed to the pontiff, either through Carne or any other person; that the insulting declaration, therefore, said to have been made by Paul in the way of reply, could not have been uttered; and that Carne himself, who was never commissioned by Elizabeth, was ultimately "licensed to return," partly in consequence of his own earnest solicitation, and partly because, a resolution having been adopted to separate from the Roman communion, "there was now no further cause why he should make any longer abode there" (Strype, Annals i. 36). I will subjoin the documents, for which I am glad of an opportunity to acknowledge my obligations to Mr. Howard.

1°. Mary died on the seventeenth of November, 1558. By the seventeenth of the following month, her demise

was publicly known in Rome ; and yet, a fortnight after that period, Carne had received neither letters nor instructions from the English government. This fact is clear from his complaint to Cecil, on the thirty-first of December,—Original, in the State Paper Office :—

" Pleaseth it your mastership, forasmuch as I am informed that the same is principal secretary to the queen's most excellent majesty, whereof I am very glad, and therein do congratulate, praying you to be my good master, and to be as good to me, as my hope is you will.

" I have sent letters to her majesty of congratulation, according to my most bounden duty, the seventeenth of this, with such occurrents as I could learn here then ; for then was it advertised first from all parts of the departing out of this world of the late most noble queen Mary ; though I had no advertisement thereof therehence. I did send a letter also to her majesty, of such occurrents as I could hear of here, the twenty-fourth of this ; for, every Saturday, I was wont to write to the late queen Mary, by Venice way : and so, sithence I heard of her departure from this world, I did write to the queen's most excellent majesty that now is, with all I would have addressed to your mastership, if I had had knowledge that you had been in that place, that you be in. Nevertheless, I trust that you will take it in good part, as I most heartily beseech you so to do. If there be any service that I can do, you may command me as your own ; beseeching you to help to keep me in her majesty's grace and favour, as one that shall be always most ready, according to my most bounden duty, to serve her majesty as far as my life and goods will extend unto.

" Also I most humbly beseech your mastership to help me in my affairs there, as well as renewing of my warrant for my diets, as also to be paid for the time that I have served, and not paid, and for such time as shall please her majesty to have me to continue here, or absent therehence, which, I trust, shall not be long ; for I have continued here four years, to my undoing (unless her most excellent majesty be gracious to me), notwithstanding I have made suit there two years, to have license to return, and was promised, in the beginning of this new year, to have a license so to do. I would be glad to hear what her majesty's pleasure is that I should do here ; for my old commission is expired. The acceptation of her majesty's ambassador here is a

great matter, in the reputation of the world, as you know well. As for occurrents, I have no other than your mastership shall perceive, by my letters sent herewith to her majesty. And thus I beseech Almighty God to conserve your mastership in long and prosperous life. From Rome, the last of December, 1559.[1]

"Your most assured to command,

"Edward Carne.

2°. A few days after the date of this letter, Carne must have received the order from the council, mentioned by Strype (Annals ii. 36). It was drawn up and despatched on the first of December, and, instead of authorising him to deliver any such message as that described by Sarpi and his copyists, actually directed him to abstain from the prosecution of an ecclesiastical suit, in which, as ambassador, he had already engaged (ibid.). This proceeding was sufficiently indicative of the temper of the English court. Yet it produced no effect on the mind or conduct of the pontiff. To the solicitations of France, that he would vindicate his authority, and resort to measures of severity against Elizabeth, he resolutely refused to listen: while, so late as the middle of February, the cardinals in Rome were still looking for a communication from England, and actually contemplating the possibility of sending an embassy in return. The letter, from which the following is extracted, was addressed by Carne to the queen, on the sixteenth of that month. It is taken from the Burleigh Papers, i. 245.

"Pleaseth it your most excellent majesty to be advertised that, sithence my letters of the eleventh of this, addressed to your highness

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1 To reconcile this date with the real time, the reader must remember that, at Rome, the year began on the twenty-fifth of December. Hence the proper date of this letter is December 31, 1558.

by the post of Venice, I have nothing to write of any great importance: but for because now goeth a post with diligence to the court of Flanders, I thought good to send the effect of all that I sent by the ordinary of Flanders, the ninth of this, and by the post of Venice the eleventh of this, which is as followeth,—that the French here can obtain nothing at his holiness' hands against your majesty, and that his holiness hath such respect to your majesty and to your realms, that he will attempt nothing against you or your realms, unless the occasion be given first therehence, as I am credibly informed. One of the cardinals, that is greatest with his holiness, shewed me that he, and other that be chief with his holiness, do mind to move his holiness to send his nuncio to your majesty thither, but that they stay till your majesty doth send hither first to his holiness, whereof I thought good to advertise your majesty of. * * * And thus I beseech Almighty God, &c. From Rome, the 16th of February, 1559.

"Your majesty's most humble
"and obedient subject,
"Edward Carne."

3°. In the letter to Cecil of the thirty-first of December, Carne, renewing an application which he had frequently urged during the late reign, had requested that he might be permitted to return home. This letter would arrive in England about the second of February. Seven days later, an order for his recall was made out and despatched; and, on the tenth of the following month, the paper containing it reached his hands. The consequences of this, as well as the fact itself, are detailed by Carne in the following letters addressed to the queen. The originals are preserved, the first in the Cotton Library (Nero, B VI. 9), the second in the State Paper Office:—

"Pleaseth it your most excellent majesty to be advertised that, sithence the receipt of your highness' most gracious letters of the ninth of February addressed to me, and received here the tenth of the last, wherein your majesty, of your most accustomed benignity and good-

ness, licensed me to return home herehence, according to my long suit made in that behalf, the receipt whereof I advertised your majesty herehence, the eleventh of the said last, and also of my return thitherward, as soon as I could; nevertheless, in putting myself in order to depart, I was warned earnestly by divers not to depart herehence, without putting the pope in knowledge thereof. Whereupon I made suit to move him thereof, and to declare to him the long suit that I had made, as well to your majesty's sister, the late queen Mary, as also to your majesty, for license to return home herehence, seeing I had been so long here from my wife and children and my poor house; and that now your highness, of your accustomed goodness, had given me license to return thither; and thereupon, with such accommod . . . as might serve me for the purpose, to take my leave from him. But, for all the suit that I could make, I could in no wise have audience appointed me; but fair words, with declaration that he would . . . hear me,—howbeit he was sick, and as yet could have no time convenient thereto. Notwithstanding, I continued my suit therein to the cardinal of Naples, to whom all men commonly do sue to speak with the pope: but, seeing that I had but fair words of him, I said to the cardinal Trani,[1] who is chief of council with the pope, and ruleth all . . . . now under him, desiring him to declare to the pope how that your majesty had licensed me to depart herehence thitherwards, praying him to declare to the pope that gladly I would depart herehence, as speedily as I could, that I might pass out of Italy before the extreme heats; and therefore would gladly first take my leave of him; and desired the said cardinal that, if he perceived that the pope made any difficulty to speak with me, to declare unto him that I could tarry no longer conveniently, and was minded to depart as soon as I might be in readiness, which I would not do, without putting him in knowledge thereof. The said cardinal said that the pope knew well that I was revoked, before the cardinal of Naples moved him of any audience for me, and said that he would speak to him, and know his pleasure, according to my desire. The twentieth of the last, the said cardinal Trani (I giving attendance upon him for the said purpose) called me unto him, and told me that he had moved the pope for me, but he found him, as he said, when he spake of my going away, sore

[1] [John Bernardinus Scotus, afterwards cardinal bishop of Placentia.—*T.*]

moved, in such sort that he durst not wade further with him therein, and said that he thought he would not suffer me to depart herehence. Yet I told him that I must need depart, first for my duty toward your majesty, and next for necessity, and therefore I beseeched him to excuse me to him. He promised me to do the best he could. The mean season, I made me ready, as well as I could, to get me herehence. The morrow of the Easter-day, being the twenty-seventh of the last, the said cardinal sent for me to come to him, to whom I went. As soon as I came, I was called before him. Being there, he showed me that he had been in hand with the pope, concerning my departing, who answered, he said, that it stood not with his holiness' . . . . to suffer me to depart herehence, your majesty and the realm being revolted from his obedience ; and this so as he was informed : and therefore gave him strait commandment to send for me, and to charge me, of his behalf, not to depart herehence without his special commandment, and to appoint me to stay, in the mean time, in the English house here : and so the said cardinal did charge me, in the pope's behalf, not to depart herehence without his special commandment. I told him I was very ill handled for my service here so long, to be kept here as a prisoner, when I am sent for home by my sovereign. He said, "content yourself: this is the pope's pleasure,"—and would hear me no further :—so that I dare not out of the gates of this city, which be straitly kept, night and day, with soldiers, that it is not possible for me to escape untaken, if I should attempt it, being known as I am here ; and wholly able to make no shift in this case, I stand here beseeching your most excellent majesty to be good and gracious to me, or else I am undone. I have served your majesty's father of most noble memory, and brother, and sister, these thirty-six years, wherein I did consume all the substance that I had, without any expense ; but lived with my diet only, with the hardiest :—and now brought to this captivity, whereby, without your highness' goodness and mercy, I shall have nothing in respect to live upon. I am an old man,—almost at my grave, and can make little shift. Nevertheless, I shall omit no occasion, which I shall think expedient for my deliverance herehence, unattempted. I have no place to lament my case but to your majesty; beseeching your highness to pardon me, and to take it graciously and in good part.

"I have no other occurrents to advertise your majesty of, but that

the pope hath driven all the bishops, that lay here, to depart herehence to their bishoprics; that they say here that the peace is concluded; and that there shall be a general council kept, within this year, out of Italy,—*where* is not yet spoken of. Other occurrents I can hear of none at this present. And thus I beseech Almighty God to conserve your most excellent majesty in long and most prosperous life. From Rome the first of April, 1559.

"Your majesty's most humble

"and obedient subject,

"Edward Carne."

"Pleaseth it your most excellent majesty to be advertised, where, in my letter of the first of this, addressed to your highness, I advertised your majesty how the pope's council did send for me, and, of the pope's behalf, charged me not to depart herehence without his special license, as more fully in my said letters appeareth, sithence, not omitting my continual suit to be suffered to depart herehence, and not being heard in that behalf, neither to have audience of the pope himself, I desired cardinal Trani, that is chief of council here, to let me have a copy of their charge in staying me here, in writing; who said that he would move the pope thereof, and thereupon I should have an answer. Whereupon he sent me the commandment in writing, subscribed with his hand, and sealed with his seal, whereof I thought good to send a copy to your majesty herewith.[1] In the which commandment also is adjoined, that I should take charge and order of the English hospital here, with the profit thereof to my necessary use: which is, as the said cardinal told me, for that I declared to the council here that, if they kept me here, I could not tell how to live; and for that they had so declared to the pope, he willed them to appoint me that house, which is but a small thing, the charge thereof deducted; and such that I will no otherwise meddle with, than shall stand with your majesty's pleasure and will: otherwise, I had rather beg my bread, and suffer what shall happen. I have no other resource, but to God and to your majesty's accustomed goodness. I might have provided better, if I had known your majesty's pleasure, to return in time herehence.

"I have no other occurrent to advertise your majesty of, at this

[1] [It wil be printed hereafter in connection wi b the life of Carne.—*T.*]

present, but that there be post after post sent hither, as well from France as Flanders, of the peace concluded: and they say here for truth, that there be two ambassadors in a journey hitherwards, one from the French king, and the other from the king of Spain, which be looked for here daily, sent, as men say here, to treat with the pope touching certain matters, agreed between the said kings concerning religion. Also I am informed here that, upon the coming of the said ambassadors hither, the pope mindeth to send two legates, one to the French king, and the other to the king of Spain, for reformation of religion. The advice be here also, that the king of Spain goeth to Paris, to marry the French king's daughter, and therehence goeth straight to Spain; and, the mean season, that the Dauphin shall lie in Brabant, for hostage, till the king of Spain pass through France. Also the dispensation that the French king sent for hither, for the marriage of his sister with the duke of Savoy, is sent hence in post to France already. Other occurrents here be none that I can hear of at this present: and thus I beseech Almighty God to conserve your most excellent majesty in long and most prosperous life. From Rome, the eighteenth of April, 1559.

"Your majesty's most humble subject,

"Edward Carne."

Before I conclude this notice, I may, perhaps, be expected to say a few words in reference to the present volume. Of the private circumstances, which have contributed to retard its appearance, it is the less necessary to speak, as there is sufficient in its contents to account, in a great measure, for any delay which may seem to have occurred. Of those contents more than three-fourths will be found to consist of new matter. These relate to incidents of no trifling importance in the history of the catholic body, and, in some instances, to events, of which little has hitherto been known. In the composition of the narrative, I have spared no pains to render my statements accurate; and, in the extent and variety of the docu-

ments which I have been enabled to collect, the reader will, I trust, see that I have not been wholly unsuccessful.

Flattering myself that the present volume will meet with the same favourable reception which has been extended to its predecessors, I shall cheerfully proceed in the laborious, but not ungrateful, task, which I originally allotted to myself.

*Arundel, August* 28, 1841.

THE

# CHURCH HISTORY

OF

# ENGLAND.

## PART V.—JAMES I.

### ARTICLE I.

COBHAM, RALEIGH, AND OTHERS, CHARGED WITH PLOTTING.—ACCESSION OF JAMES—PARTIES DISAPPOINTED—RALEIGH—BROOKE—"THE BYE"—INDIVIDUALS CONCERNED IN IT—PLANS OF THE CONSPIRATORS—THEY ARE APPREHENDED—"THE MAIN"—ARREST OF COBHAM AND RALEIGH—TRIALS OF THE PRISONERS—EXECUTION OF CLARKE, WATSON, AND BROOKE—NEGOTIATIONS OF WINTER AND WRIGHT—THEY FAIL—PROCLAMATION FOR THE BANISHMENT OF ALL JESUITS AND SEMINARY PRIESTS—MISSION OF DR. GIFFORD—JAMES'S SENTIMENTS IN REGARD TO CATHOLICS—HIS SPEECH TO HIS FIRST PARLIAMENT.

If we observe the methods of Divine Providence in disposing of kingdoms, we find them very often so unfavourable to human projects, that neither armies nor counsels are able to obtain those ends, which politicians promise to themselves. The history of our nation affords us several instances of this kind: but that of the present reign is most especially to be taken notice of. It was the grand design of king Henry VIII., and afterwards the principal aim of those that laboured in the reformation, to defeat the Scottish succession: and this they endeavoured to effect by stratagems neither just nor honourable. Providence had ordained that he should step into the throne, who, by the laws of inheritance, and ancient custom, had the nearest pretensions. Now, as alterations of any kind are attended with some inconveniences, so it happened upon the present occasion. The generality of the people appeared content with the succession; yet this did not hinder

some murmurings among a disappointed party, who were apprehensive it would prove prejudicial to England, in regard both of civil and religious matters. They suspected that a foreign prince would introduce too many of his countrymen into the administration of affairs, and that his calvinistical education would be of great disservice to the church by law established. These jealous thoughts had taken such hold of them, that they could not refrain themselves from uttering their minds improperly, till, at last, they fell under prosecution. The date of their misbehaviour was 1603 between the death of queen Elizabeth, and the king's coronation; when several persons of distinction, of different characters and religions, were seized July upon account of a conspiracy. The particulars of their indictment were, killing the king, raising a rebellion, altering religion, subverting the government, and procuring an invasion. This was to be done by the assistance of some foreign prince, and lady Arabella Stuart was to be placed upon the throne. The persons impeached of this grand design, were Henry Brooke lord Cobham, George Brooke his brother, Thomas lord Grey of Wilton, sir Walter Raleigh, sir Griffith Markham, sir Edward Parham, Anthony Copley, Bartholomew Brookesby, gentlemen, and two priests missioners, William Watson, and William Clarke. Lord Cobham's confession was the chief, and almost the only, direct proof of a conspiracy; and though all were condemned Nov. to die,[1] yet only three suffered, viz. Mr. Brooke and the two priests. After all, our historians have not been able to give any regular account of the matter; the whole appearing mysterious, and full of inconsistencies. For, whereas "most treasons are composed of men of one particular faction, in this there were persons of all sorts; priests and laymen, catholics and protestants, noblemen, knights, and gentlemen. So that several would have thought it to have been a deep-laid conspiracy; but it proved so shallow, that it could

[1] [This is a mistake. Sir Edward Parham, having shown that his motive for joining the conspirators was not treasonable, was acquitted. Loseley MSS. 375.—*T.*]

scarce be observed, what the authors of it designed, or what they would have effected." Nay, "some have thought this whole conspiracy, as well as that of the Gowries in Scotland, to have been only a state trick."[1]

A politic brain might suggest two motives for a stratagem, very useful upon the present juncture: first, to terrify the party that seemed discontented with the Scottish succession; and again, to bring an odium upon the catholics upon the same motive. These, with some improvement, might be the foundation of a tolerable good plot; especially if we take in several serviceable circumstances capable of adding to its reputation. Sir Walter Raleigh was a great politician, and a very popular person; a great admirer of his late mistress, and no friend to the Scots; and besides, had been disgusted by his majesty, by his being removed from the honourable and beneficial post of being captain of the guards, to make way for a Scottishman.[2] The like occasion of discontent was given to Mr. George Brooke; one Mr. James Hudson, a Scottishman, being preferred to him in the mastership of St. Cross's Hospital.[3] As

[1] Echard, i. 909, 911. The account we have of Gowry's plot was this:—In the year 1599, king James was invited by Ruthven, earl of Gowry, to his seat, where he and his brother Alexander attempted to murder him, but were both killed by the king's attendants. That which pushed them upon this desperate attempt, was their resentment for the loss of their father, who was tried and executed in the year 1584 (Collier ii. 663). But a party in Scotland endeavoured to persuade the people, it was the king's own contrivance to extinguish that family, which he was an enemy to. [For an account of this conspiracy see the Somers' Tracts, i. 508, et seq. and compare it with that in the State Trials, vii. 34.—*T.*]

[2] [Besides the post of captain of the guard, which was given to Sir Thomas Erskine, Raleigh lost also his patent for licensing the sale of wine; and was, moreover, induced or compelled to resign the more lucrative office of warden of the stanneries (Caley, i. 394, 432). He was still, however, permitted to retain the government of Jersey: and, by way of compensation for his other losses, James remitted to him the rent of £300 per annum, payable out of the revenue of the island, together with a large amount of arrears already due to the crown. Cecil's Letter to sir Thomas Parry, apud Caley, i. 364; and Ellis's Original Letters, first series, iii. 82.—*T.*]

[3] [Hudson had been James's agent in England during the latter years of Elizabeth. On the vacancy of the office in question, caused by the elevation of Dr. Robert Bennet, the late master, to the see of Hereford, in February, 1603, the queen had promised the appointment to Brooke. Before it was filled up, however, Elizabeth was dead: and James, to reward the services of his agent, gave it, on his accession, to Hudson. Birch, i. 128.—*T.*]

for the catholics, they were disappointed in some promises the king had made them, while he was in Scotland; and people would be apt to believe, that some of them would be prone to resent it in a factious manner. Besides, it was a seasonable contrivance, to draw two missioners over to the party. It gave a kind of lustre to the cause; the name of *a priest* and *a plotter* being equivalent terms, as the common notion had obtained among the vulgar. Those, that have calmly considered the matter, have observed that both the design in general (if there was any) was very weak, and the persons concerned in it were neither of such interest nor principles, as to effect the matter they were said to have undertaken. Is it probable, that protestants and catholics would join in a confederacy to destroy the church by law established? What appearance was there that lady Arabella should either obtain the crown, or answer the different ends of the parties concerned? To which if we add the slenderness of the proofs, and the circumstance of the conspirators being almost all pardoned, they will be apt to startle a cautious reader, who cannot view mysteries of state with the same implicit assent, as he does mysteries of faith.[1]

[1] [Dodd, in common with all but our recent historians, has here confounded two distinct, though simultaneous, conspiracies; and, uniting the discordant elements of the one with the mysterious objects of the other, has, by this means, been enabled to throw a doubt over the reality of both. That in which Watson and Clarke were engaged may be first noticed. By the conspirators themselves it was quaintly denominated "the Bye:" and though described by some of our writers as "the Treason of the Priests," was originally suggested by sir Griffin Markham, and George Brooke, the brother of lord Cobham. Markham was a catholic, Brooke a protestant: both were discontented with the new government; and both persuaded themselves, that if, in imitation of what had formerly been effected by the Scottish lords, they could possess themselves of the royal person, they should at once have it in their power to remove the present members of the council, and secure for themselves the chief employments of the state. With this view, they sought for cooperators among the two great parties, the puritans and the catholics, who, alike exposed to the intolerance of the penal code, would willingly unite in any scheme that might promise to relieve them from its oppression. Of the puritans the lord Grey was the acknowledged leader. To him the two confederates unfolded their views, and received in return the ready promise of a powerful aid. About the same time, they formed a connexion with the catholic missionaries, Watson and Clarke. Watson, in particular, was known to be discontented. In the late reign, he had written in support of James, against the claims of the infanta: but he had subsequently been treated with neglect, if not with insult, by the monarch; and

I do not find that king James had conceived any particular aversion to the catholics upon account of the

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he now willingly undertook to engage the assistance of his friends in behalf of the proposed enterprise. His first step was, to assemble his more intimate associates, and, by pointing out to them the hopelessness of their present condition, to induce them, whilst the king was still uncrowned, and consequently, so he maintained, only the claimant of the throne, to make use of the liberty which still remained to them, and obtain redress by any means that might be offered. Having then administered an oath, binding the parties to defend the king's person, to seek the restoration of the catholic faith, and, at the same time, to keep their association secret from all persons whatsoever, he cautiously proceeded to unfold his designs. To the more timid he proposed merely that they should assemble in a numerous body, that they should meet the king as he came forth to hunt, and that they should then present to him a petition, reminding him of their sufferings and of their services, and asking either a toleration for their religion, or, at least, a mitigation of the penal code. To other and bolder spirits he propounded the scheme in a different form. The lord Grey, he said, with the puritans, was about to seize the king. Let them assemble, then, in sufficient numbers to overpower the other party; let them rescue their sovereign from the hands of his captors, and, having conveyed him to a place of safety, let them there solicit from his gratitude that liberty of conscience, which their services could scarcely fail to obtain. Among the principal conspirators, however, the real objects of the plot were undisguisedly mentioned. The king was to be suddenly seized at Greenwich by a body of armed men; he was to be conveyed, for security, to the Tower, or, if the attempt on that fortress should fail, to Dover Castle, of which Brooke's brother, the lord Cobham, was governor; and, when the monarch should thus be completely in the power of the confederates, he was to be prevailed on to grant a pardon to all engaged in the transaction, to ensure to them the full toleration of their religion, and to remodel his council in conformity with the advice which they should offer him. Perhaps the reader will smile to learn that, in the proposed distribution of offices, Brooke was to obtain the appointment of lord treasurer, sir Griffin Markham was to be earl marshal, lord Grey was to assume the command of the Isle of Wight, Copley was to become principal secretary, and Watson himself was to be made lord chancellor. The last, however, declares that these appointments, which were "only spoken of at random," were never intended to be more than temporary; and that, as regarded Markham and himself, they each purposed, and *he* had bound himself by vow, to proceed on a pilgrimage to Jerusalem, "after all were settled" (Watson's Voluntary Declaration, August 10, 1603).

It was originally intended that the seizure of the royal person should be effected during the night of the twenty-fourth of June. Late, however, on the twenty-third, Markham received intelligence that the court was about to remove, on the following morning, to Windsor, and that, in his way, the king purposed to sleep at Hanworth, a small hunting seat in the neighbourhood of Hounslow. Nothing could be more fortunate for the designs of the conspirators. At Greenwich, the monarch was surrounded by a body of three hundred armed gentlemen, who lay within the palace: at Hanworth, "the house was weak, and not strongly guarded," and there was little doubt that, "with less blood, and fewer men," the associates would be able to accomplish their purpose. Still difficulties arose as to the means of executing the design. Of five thousand men whom Watson had expected from Lancashire, all had failed in their engagement: Clarke had returned disappointed and disheartened from a fruitless journey in search of aid: the few persons who had arrived were unprovided

late conspiracy, or that the misbehaviour of some of their clergy influenced him in regard of the whole;

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with arms: and, after some discussion, it was at length resolved to defer the prosecution of the enterprise until the following Saturday. At an appointed hour on that day (June 25), Markham met Watson, Copley, and others, in his own lodging. He had been dining with the lord Grey, and, to the consternation of the confederates, now brought intelligence of the defection of that nobleman. Grey, in fact, was jealous of the catholics, and, with a view to gain time for strengthening his own party, proposed to adjourn the execution of the project for some months. But this proposal was the discomfiture of the whole plot. Deprived of the assistance which they had anticipated, the leaders saw the hopelessness of their undertaking; and, after some mutual upbraidings, the design was finally abandoned.

It was in the preceding April, and before either the oath of secrecy had been drawn up, or the details of the conspiracy had yet been arranged, that Markham, Watson, and another (probably Brooke), had opened a correspondence with the jesuits Darcy and Gerard, for the purpose of effecting a reconciliation between themselves and the members of the society. The negotiation, after several meetings between the parties, had broken off: but the tone assumed by the two jesuits had left a favourable impression on the mind of Markham; and he accordingly ventured to address to them a letter, stating his own anxiety to attempt something "for the restoring of religion," and requesting their cooperation. Gerard, however, who, if we may believe the declarations both of Copley and of Watson, was, with the other members of his party, already interested in the success of a separate conspiracy, at once declined the proposal. At the same time, he wrote to Garnet, his superior, in London: he requested him to lay information of the intended plot before the archpriest: and he engaged both these persons to exert their influence in deterring all catholics from joining in the enterprise. Still, however, the design advanced, and midsummer, the period for carrying it into effect, was fast approaching, when Gerard, apprehensive that it might defeat the plans of his own party, despatched a friend, an attendant of the court, to give intelligence of it to the government. But his object had been anticipated by Garnet and the archpriest, who, through the agency of John Gage of Haling, in Surrey, and of Barnaby, one of the appellant priests, then a prisoner in the Clink, had already revealed the plot to the bishop of London, and to other members of the council. Orders were now issued for the apprehension of the conspirators. First, Copley, whose sister was the wife of Gage, and afterwards the other confederates were successively arrested; and, in the course of a few weeks, each, by his confessions, had furnished sufficient evidence to convict both himself and his associates. For these particulars, see the Confessions of Copley, Watson, &c. in the Appendix, No. I.; and compare them with Caley's Life of Raleigh, i. 360, 361. ii. 3, 4: Loseley MSS. 374; Jardine, i. 456, 457; and Dr. Abbot's Antilogia, 130[b], 136[a].

To the connexion of Brooke with "the Bye," or, as it was also denominated, "the Surprising Treason," and "the Surprise," from its object of seizing the king's person, may be ultimately traced the discovery of what was designated as "the Main," or "the Spanish Treason," the only conspiracy in which Cobham and Raleigh were concerned. Brooke, as the reader is aware, was the brother of Cobham; and this to the mind of Cecil was a sufficient reason for suspecting that both Cobham and Cobham's political friend, Raleigh, might be implicated with him in the design of Markham, Watson, and their associates. It chanced, at the moment, that Raleigh was in attendance on the court at Windsor. Cecil, therefore, ordered him to be arrested and examined: but his answers at once satisfied the council that he was free from all participation in

which was usually done, when any of that party were found to be delinquents. However, his council suspect-

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the intended "Surprise;" and he was accordingly dismissed (Jardine, i. 416, 462). Cobham was then sent for. From the confession of his brother it had been ascertained that he was privy to the existence of the plot: that he had taken part, however, in the proceedings of the conspirators, there was no reason to believe; and nothing further would probably have been suspected, had not Raleigh addressed a letter to Cecil, intimating that Cobham was engaged in a secret negotiation with Aremberg, the ambassador of the archduke, and advising the minister to examine La Renzie, one of Aremberg's dependents, through whom the correspondence had been conducted (Ibid. 412, 416; Caley, i. 393, 398). Cobham was now questioned on this subject. During two examinations, he persisted in asserting his innocence, and resolutely denied not only all connexion with the ambassador, but also all knowledge of any treasonable design whatsoever (Examinations, July 16 and 19, in the State Paper Office). On the third examination (July 20), Raleigh's letter was placed in his hands. As he read it, he saw that he was betrayed. "That wretch," he exclaimed, "that traitor Raleigh!—hath he used me thus? Nay, then, I will tell you all." The outline of another plot was now revealed. It had been arranged with Aremberg, that Cobham should pass into Flanders, there to consult with the archduke as to the future proceedings of the confederates. He was then to proceed to Spain, to receive from the king a sum of five or six thousand crowns; and, on his return, was to meet Raleigh in Jersey, where the latter was governor, and from him obtain instructions as to the application of the new fund (Jardine, i. 411, 415; Caley, i. 392, 396). Of the real nature of the enterprise, in which this money was to be employed, no satisfactory account was obtained. From the confessions of Watson and the other prisoners engaged in "the Bye," the government afterwards attempted to show that the object was, to land a Spanish force in Scotland, to seize and murder the king with the royal issue, and then to proclaim the lady Arabella Stuart as queen. But of all this no sufficient evidence was produced. Cobham himself, though he acknowledged a general intention to act upon the growing discontent of the country, positively declared that "nothing was determined" (Jardine, i. 423): the only letter ever written to Arabella professed merely to warn her against those, who would injure her in the mind of the king (Caley, i. 419): while La Renzie, in his examination, Raleigh, both before the commissioners and at his trial, solemnly asserted that the money was intended only "for the furthering of the peace between England and Spain" (Jardine, 425, 426). But, whatever were the precise object of the conspiracy, sufficient had now been obtained, to warrant a further investigation. On the strength of Cobham's confession, Raleigh was immediately arrested: the two friends, now become the accusers of each other, were committed to the Tower; and, in the following November, the trial of all the prisoners, the execution of Clarke, Watson, and Brooke, with the pardon of the other conspirators, as mentioned in the text, took place (see Jardine, i. 400, 461—476; Howell's State Trials, ii. 65—70; and Caley's Life of Raleigh, i. 362—366. ii. 5—26).

Before I close this note, I must advert to another transaction, not altogether unconnected with the present subject. I have alluded to the connexion of Gerard and his friends with a separate conspiracy, distinct from that of Watson. This conspiracy, the expiring effort of the Spanish party, had originated in the last reign: it had, of course, been opposed by the advocates of the Scottish succession; and, as the reader has already seen in the Appendix, is constantly referred to by Watson, in his confessions, as the great object for whose defeat he had been induced to engage in the project of "the Surprise." A few words

ing he would be too favourable to them (which they judged from his behaviour towards them in Scotland), they put him upon issuing forth a severe proclamation,

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will sufficiently explain its purport. It was shortly after Christmas, 1601, that Catesby, Tresham, and Thomas Winter met Garnet, the superior of the jesuits, and probably Greenway, another member of the society, at White Webbs, a house on the borders of Enfield Chase, to which the jesuits and their friends were accustomed to resort. The object of the laymen was, to devise means for inducing the Spanish monarch to attempt another invasion of the country. Garnet, however, if we may believe himself, "refused to act in it:" but the other parties continued to press him, and, after two or three meetings, it was finally agreed, that Winter and Greenway should proceed to Spain, and that Garnet, "to give the more credit" to the undertaking, should write, in his behalf, to father Creswell, a jesuit residing at the Spanish court. Garnet, who wrote as had been determined, afterwards declared that the only object of his letter was, to obtain money from the Spanish monarch for the relief of the distressed catholics in England. The envoys, however, employed themselves in arranging with Philip the plan of an invasion. Spain was to pay over a sum of one hundred thousand crowns, to be employed in securing a sufficient party among the natives: an army was to land in the spring of 1603,—if numerous, on the coast of Essex or Kent; if deficient in numbers, at Milford Haven; while the catholics, in the meantime, were to be ready to join the invading force, and to provide horses for the service of the Spanish cavalry. On the return of Winter and his companion, the particulars of this negotiation were communicated to Garnet. He, at once, so he assures us, declared that he "misliked it," and expressed his conviction that it would be equally "disliked at Rome." Still, it does not appear that he resorted to any means of disconcerting the project. The existence of the plot he carefully concealed within his own breast; and the period was rapidly approaching for its execution, when the death of Elizabeth, and the unanimous acknowledgment of her successor, suddenly frustrated the design (Gunpowder Treason, 91—94, 158, 159, 186; Jardine's Criminal Trials, ii. 124, 125, 249, 291; Eudæmon Joannes, 285, 295, 296, 300. See also Appendix, No. II.). Other measures were now to be adopted. It had been arranged by Winter, that, if the queen should die before the time appointed for the invasion, intelligence of the event should instantly be forwarded to the Spanish court. With this view, Christopher Wright, a gentleman of Yorkshire, was selected (March, 1603) to proceed to Spain. Like his predecessor, he was furnished with letters of recommendation from Garnet to Creswell, and was secretly instructed to deal with Philip or his council for a renewal of the engagements previously made with Winter. In June, he was followed by Faukes, a soldier of fortune, who had been despatched from Brussels for the purpose of aiding in the negotiation. Faukes had brought letters from Baldwin, a jesuit resident in Flanders; and was enabled to enforce his reasonings with a description of the preparations already made in England, for the assistance of an invading army. But neither this man nor his associate could disturb the pacific dispositions of the Spanish king. Philip, though he received the messengers kindly, refused to adopt their proposals. He had no quarrel, he said, with his English brother: he had already appointed an ambassador to adjust the terms of a lasting peace with that monarch: and, under such circumstances, it was impossible that he could listen to the offers or the representations of the two envoys (Gunpowder Treason, 94, 95, 162, 163, 186; Jardine, ii. 125, 126, 252, 292; Eudæmon Joannes, 306—309; and the preamble to the statute 3 Jac. 1. c. 2, in the Appendix, No. III.). This answer was, of itself, sufficient to disconcert the schemes of the

for banishing all jesuits and seminary priests.[1] But it appeared afterwards, by his speech in parliament, in March, 1604, that he had no design to proceed to ex-

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party. Before it arrived, however, the confessions of Watson, perhaps also the detection of Cobham's conspiracy, which, in the mind of Watson at least, was evidently identified with the present transaction, had effectually dissipated the hopes of the confederates; and, from this moment, the designs of the Spanish party were at an end.—*T.*]

[1] This proclamation was dated on the twenty-second of February, 1604, and was professedly issued in consequence of the late conspiracy. Having alluded to his labours in behalf of the rites and ceremonies of the established worship, the king proceeds to point out what he deems an object of far greater danger to the church, than the differences of her own children,—the encreasing number and activity of the catholic missionaries. Calculating, he says, upon a toleration, which he neither intends to grant, nor has encouraged them to expect (this was a falsehood), these men have dared to appear without disguise in public, to perform the offices of their religion, and to seduce his subjects from their faith and their allegiance to the superstitious tenets of the Roman communion. But it is the duty of the sovereign to watch over the spiritual welfare of his people, to remove from them "the ministers and the instruments of infection." Therefore, he commands "all jesuits, seminaries, and priests whatsoever," ordained by authority from the bishop of Rome, to quit the realm before the nineteenth day of the following month: he declares that the full penalties of the law shall be inflicted on any missionary found within the country after the prescribed period; and he strictly enjoins all archbishops, bishops, and other officers, to be vigilant in the duty of discovering and apprehending any persons who may venture to infringe this order. At the same time, he must not be supposed to act from any motives but those of precaution, now rendered doubly necessary by the evidence of the late conspiracy. As a temporal prince, the Roman pontiff has many lasting claims upon his gratitude: but he cannot forget the power that would assume to dispose of kingdoms and monarchies at its will, and must not hesitate to provide against an authority that is subversive of all kingly jurisdiction. With this view, he has resorted to the present measure. But he wishes to live in peace: he wishes to unite in religion, as in friendship, with the states of christendom against "the common enemy;" and if the princes of Europe will cooperate, by means of a general council, in securing the independence of the royal authority, no one will be more ready than himself to assist in the charitable undertaking (see Appendix, No. IV.).

To show the hypocritical nature of the pretences and professions of this document, it is only necessary to observe that the pope, of whose interference James affects to entertain so much apprehension, had already addressed two breves, one to the archpriest, the other to the superior of the jesuits, commanding the missionaries, both to abstain themselves, and to induce others to abstain, from all attempts against the government (Lingard, ix. 21); that he had actually ordered Dr. Gifford, dean of Lisle, to wait on the English monarch with an offer to withdraw from the country any clergyman who might be regarded as an object either of danger or of suspicion (See Appendix, No. V.); and, finally, that, only twelve days before the date of the present proclamation, the king himself had not only avowed "his utter detestation of the superstitious religion of the papists," but had also commanded the judges to "see the laws speedily executed with all rigour" against its professors. See the letter to the bishop of Norwich, page 21, post.—*T.*]

tremities, or to use the same rigour against the party, as had been practised in the late reign. What chiefly regarded religion in this speech was, that he believed more danger was to be apprehended from the puritans' politics, than from their tenets of faith. As for catholics, he owned theirs was the mother church, though at present not without several blemishes; that the judges had pressed the laws farther than was intended against recusants; and that he hoped they would consider of some milder expedients for the future. In the close, he signified a desire of seeing all Europe united in religion, which he thought was not an impracticable prospect, provided all parties would abandon excesses. This speech was variously relished. It gave some encouragement both to puritans and catholics, and put the church by law established upon their guard. The first were, in a great measure, baffled in the attack they made in a conference at Hampton Court: the catholics were entirely thrown out of favour, upon the discovery of the Gunpowder plot.[1]

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[1] [In a subsequent article, the reader will see that, so far from the catholics having been "thrown out of favour, *upon the discovery of the Gunpowder plot*," the cruelties to which they were previously subjected were the great, if not the only, incitement to that atrocious conspiracy. In the mean time, I will subjoin so much of the speech here referred to, as relates to the subject of religion.

Having thanked his new subjects for the universal testimonies of affection with which they had received him, and congratulated them on the blessings of foreign and domestic peace, "which God, in his person, had bestowed upon them," James thus proceeds:—"But neither peace outward, nor peace inward, nor any other blessings that can follow thereupon, nor appearance of the perpetuity thereof by propagation in the posterity, is but a weak pillar and a rotten reed to lean unto, if God do not strengthen, and, by the staff of his blessing, make them durable: for in vain doth the watchman watch the city, if the Lord be not the principal defence thereof; in vain doth the builder build the house, if God give not the success; and in vain, as St. Paul saith, doth Paul plant and Apollo water, if God give not the increase: for all worldly blessings are but like swift-passing shadows, fading flowers, or chaff blown before the wind, if, by the profession of true religion and works according thereto, God be not moved to maintain and settle the thrones of princes. And although that, since mine entry into this kingdom, I have, both by meeting with divers of the ecclesiastical estate, and likewise by divers proclamations, clearly declared my mind in points of religion, yet do I not think it amiss, in this so solemn an audience, I should now take occasion to discover somewhat of the secrets of my heart in that matter; for I shall never, with God's grace, be ashamed to make public profession thereof, at all occasions, lest God should be ashamed to profess and allow me before men and angels, especially lest that, at this time, men might presume further upon the misknowledge of my meaning

to trouble this parliament of ours than were convenient. At my first coming, although I found but one religion, and that which by myself is professed, publicly allowed, and by the law maintained, yet found I another sort of religion, besides a private sect, lurking in the bowels of this nation. The first is the true religion, which by me is professed, and by the law is established: the second is the falsely called catholics, but truly papists: the third, which I call a sect rather than religion, is the puritans and novelists, who do not so far differ with us in points of religion, as in their confused form of policy and parity, being ever discontented with the present government, and impatient to suffer any superiority; which maketh their sect unable to be suffered in any well governed commonwealth. But as for my course toward them, I remit it to my proclamations made upon that subject. And now for the papists;—I must put a difference betwixt mine own private profession of mine own salvation, and my politic governing of the realm, for the weal and quietness thereof. As for mine own profession, you have me, your head now amongst you, of the same religion that the body is of. As I am no stranger to you in blood, no more am I a stranger to you in faith, or in the matters concerning the house of God. And although this my profession be according to mine education, wherein, I thank God, I sucked the milk of God's truth with the milk of my nurse, yet do I here protest unto you, that I would never, for such a conceit of constancy or other prejudicate opinion, have so firmly kept my first profession, if I had not found it agreeable to all reason, and to the rule of my conscience. But I was never violent nor unreasonable in my profession. I acknowledge the Roman church to be our mother church, although defiled with some infirmities and corruptions, as the Jews were when they crucified Christ. And as I am none enemy to the life of a sick man, because I would have his body purged of ill humours, no more am I enemy to their church, because I would have them reform their errors;—not wishing the down-throwing of the temple, but that it might be purged and cleansed from corruption: otherwise, how can they wish us to enter, if their house be not first made clean? But as I would be loather to dispense in the least point of mine own conscience for any worldly respect, than the foolishest precisian of them all, so would I be as sorry to straight the politic government of the bodies and minds of all my subjects to my private opinions: nay, my mind was ever so free from persecution, or thralling of my subjects in matters of conscience, as I hope that those of that profession within this kingdom have a proof, since my coming, that I was so far from encreasing their burdens with Rehoboam, as I have, so much as either time, occasion, or law could permit, lightened them. And even now, at this time, have I been careful to revise and consider deeply upon the laws made against them, that some overture may be proposed to the present parliament, for clearing these laws by reason, which is the soul of the law, in case they have been, in times past, further or more rigorously extended by judges, than the meaning of the law was, or might tend to the hurt as well of the innocent as of guilty persons. And as to the persons of my subjects which are of that profession, I must divide them into two ranks, clerics and laics:—for the part of the laics, certainly I ever thought them far more excusable than the other sort, because that sort of religion containeth such an ignorant, doubtful, and implicit kind of faith in the laics, grounded upon their church, as, except they do generally believe whatsoever their teachers please to affirm, they cannot be thought guilty of these particular points of heresies and corruptions, which their teachers do so wilfully profess. And again, I must subdivide the same laics into two ranks, that is, either quiet and well-minded men, peaceable subjects, who either, being old, have retained their first drunken-in liquor, upon a certain shamefacedness to be thought curious or changeable; or, being young men, through evil education have never been nursed or brought up but upon such venom, in place of wholesome nutriment. And that sort of people, I would be sorry to punish their bodies for the error of their minds, the reformation whereof must only

come of God and the true Spirit. But the other rank of laics who, either through curiosity, affectation of novelty, or discontentment in their private humours, have changed their coats, only to be factious stirrers of sedition, and perturbers of the commonwealth, their backwardness in their religion giveth a ground to me, the magistrate, to take the better heed to their proceeding, and to correct their obstinacy. But, for the part of the clerics, I must directly say and affirm that, as long as they maintain one special point of their doctrine, and another point of their practice, they are no way sufferable to remain in this kingdom. Their point of doctrine is that arrogant and ambitious supremacy of their head, the pope, whereby he not only claims to be spiritual head of all christians, but also to have an imperial civil power over all kings and emperors, dethroning and decrowning princes with his foot, as pleaseth him, and dispensing and disposing of all kingdoms and empires at his appetite. The other point, which they observe in continual practice, is the assassinates and murderers of kings; thinking it no sin, but rather a matter of salvation, to do all actions of rebellion and hostility against their natural sovereign lord, if he be once cursed, his subjects discharged of their fidelity, and his kingdom given a prey by that three-crowned monarch, or rather monster, their head. And, in this point, I have no occasion to speak further here, saving that I could wish from my heart that it would please God to make me one of the members of such a general christian union in religion, as, laying wilfulness aside on both hands, we might meet in the midst, which is the centre and perfection of all things. For, if they would leave and be ashamed of such new and gross corruptions of theirs as themselves cannot maintain, nor deny to be worthy of reformation, I would, for mine own part, be content to meet them in the mid-way, so that all novelties might be renounced on either side. For, as my faith is the true, ancient, catholic, and apostolic faith, grounded upon the Scriptures and express word of God, so will I ever yield all reverence to antiquity in the points of ecclesiastical policy: and, by that means, shall I ever, with God's grace, keep myself from either being an heretic in faith, or schismatic in matters of policy. But of one thing would I have the papists of this land to be admonished, that they presume not so much upon my lenity, because I would be loath to be thought a persecutor, as thereupon to think it lawful for them daily to encrease their number and strength in this kingdom, whereby, if not in my time, at least in the time of my posterity, they might be in hope to erect their religion again. No, let them assure themselves that, as I am a friend to their persons if they be good subjects, so am I a vowed enemy, and do denounce mortal war to their errors: and that, as I would be sorry to be driven by their ill-behaviour from the protection and conservation of their bodies and lives, so will I never cease, as far as I can, to tread down their errors and wrong opinions. For I could not permit the encrease and growing of their religion, without first betraying of myself and mine own conscience; secondly, this whole isle (as well the part I am come from as the part I remain in, in betraying their liberties and reducing them to their former slavish yoke, which both had casten off before I came amongst them); and thirdly, the liberty of the crown in my posterity, which I should leave again under a new slavery, having found it left free to me by my predecessors: and therefore would I wish all good subjects that are deceived with that corruption, first, if they find any beginning of instinction in themselves of knowledge and love to the truth, to foster the same by all lawful means, and to beware of quenching the spirit that worketh within them; and if they can find as yet no motion tending that way, to be studious to read and confer with learned men, and to use all such means as may further their resolution; assuring themselves that, as long as they are disconformable in religion from us, they cannot be but half my subjects, be able to do but half service, and I to want the best half of them, which is their souls. And here have I occasion to speak to you, my lords, the bishops. For, as you, my lord of Durham, said very learnedly to-day in your sermon, correction without instruction is but a

tyranny, so ought you, and all the clergy under you, to be more careful, vigilant, and diligent than you have been, to win souls to God, as well by your exemplary life, as doctrine. And since you see how careful they are, sparing neither labour, pains, nor extreme peril of their persons, to divert (the devil is so busy a bishop), ye should be the more careful and wakeful in your charges. Follow the rule prescribed you by St. Paul, 'Be careful to exhort and to instruct, in season and out of season:' and where you have been any way sluggish before, now waken yourselves up again with a new diligence in this point, remitting the success to God, who calling them either at the second, third, tenth, or twelfth hour, as they are alike welcome to him, so shall they be to me, his lieutenant here." Commons' Journals, i. 143. The speech is also printed in the Somers' Tracts, ii. 60—69.—*T.*]

## ARTICLE II.

CONFERENCE AT HAMPTON-COURT.—ORIGIN AND PROGRESS OF THE PURITANS—CONTROVERSY ABOUT PREDESTINATION—LAMBETH ARTICLES—THE MILLENARY PETITION—JAMES ISSUES A PROCLAMATION—AND APPOINTS A CONFERENCE—ITS PROCEEDINGS—AND RESULT—DISSENTIONS AMONG THE REFORMERS IN HOLLAND—THE GOMARISTS—THE ARMINIANS—THE BELGIC CONFESSION—DISTINGUISHING TENETS OF THE TWO PARTIES—THEY APPEAL TO THE SECULAR POWER—THE STATES OF HOLLAND ISSUE A DECREE—KING JAMES INTERFERES—VORSTIUS CHOSEN PROFESSOR AT LEYDEN—JAMES ACCUSES HIM OF HERESY—HE JUSTIFIES HIMSELF—HE LEAVES LEYDEN—"THE RIGOROUS RESOLUTION"—BARNEVELT ACCUSED—JAMES ADVOCATES THE CAUSE OF THE GOMARISTS—PRINCE MAURICE TAKES POSSESSION OF THE BRILL—ARREST OF BARNEVELT AND THE OTHER ARMINIAN LEADERS—SYNOD OF DORT—JAMES SENDS DEPUTIES FROM THE ENGLISH CHURCH—THEIR INSTRUCTIONS—SUBJECTS OF DISCUSSION IN THE SYNOD—PROTEST OF THE ENGLISH DEPUTIES—FATE OF BARNEVELT AND HIS COMPANIONS—OPINIONS ON THE PROCEEDINGS AND DECISIONS OF THE SYNOD.

It has been observed in the former reigns, that, from the very beginning of the reformation, there was always a party, who endeavoured to push it on farther than the laws would permit. What they aimed at was, to introduce the calvinistical plan, both as to doctrine and discipline. They first appeared in Edward VI.'s reign, but made very little progress. Their banishment under queen Mary gave them an opportunity of improving themselves in the art of reforming, when they were instructed by the mouth of John Calvin himself. At queen Elizabeth's accession to the crown, they returned home with the rest of the exiles, and were promiscuously admitted into both the universities; being jointly promoted to some of the best dignities in the church. The Act of Uniformity, indeed, now and then gave them some disturbance: but, having the advantage of powerful friends at court, they weathered out the storms raised against them. Towards the latter end of queen Elizabeth, their number, being very much increased, made them less cautious in their behaviour. They attacked episcopal government, and ridiculed the character, in several abusive and virulent

pamphlets; and, at the same time, read their puritanical lectures in both the universities, especially in Cambridge, where Dr. Whitaker and Mr. Perkins, two of their champions, about the year 1594, put the whole university in a flame about predestination: and, in a little time, the debates ran so high, that Whitgift, archbishop of Canterbury, took upon him to compose matters. His method was, to call together a synod of divines,[1] who met at Lambeth, and came to the following resolutions: 1°. That God has from eternity predestinated some, and reprobated others: 2°. That only God's will, and no foresight of faith or merits, is the motive of predestination: 3°. That the number of the predestinate is fixed, and can neither be increased nor diminished: 4°. That the reprobate are necessarily damned: 5°. That justification cannot be lost totally or finally: 6°. That a man possessing justifying faith is certain of his salvation *plerophoria fidei:* 7°. That all have not saving grace: 8°. That all men are not called or drawn by the Father: 9°. That men have not free-will to be saved.[2] I cannot say, how far these articles are agreeable to the church of England. However, the archbishop and his synod, with several divines of figure, subscribed to them; and so did the university of Cambridge: and the puritans were so stiff in their defence, as in a manner to make them part of their creed. Archbishop Whitgift is charged, upon this occasion, with imposing a doctrine upon the church of England, which it never made profession of; and some of the protestant writers tell us, he narrowly escaped a premunire, for calling a synod, and making decrees in prejudice of the queen's supremacy.[3]

Nov. 10.

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[1] [These divines were Bancroft, afterwards bishop of London, Dr. Richard Vaughan, elect of Bangor, Dr. Tyndall, dean of Ely, Dr. Whitaker, and some others of the Cambridge predestinarians.—*T.*]

[2] [The articles, which are generally known as "the Lambeth Articles," may be seen in Fuller, lib. ix. 230; Wilkins, iv. 347; Strype's Whitgift, 461; and Collier, ii. 644. See also Heylin's Hist. Presbyt. lib. x.—*T.*]

[3] [Heylin, ibid. Collier, ii. 645. See, however, Dr. Baro's letter to the primate, with his explanation of these articles, in Strype's Whitgift, 466, 467, and Append. 201.—*T.*]

In this manner the reformers were divided when king James ascended the throne; and the puritans, having a great confidence in his education, hoped the best
1603 from him. Wherefore, in the year 1603, they signed
APRIL a remonstrance, called the *Millenary Petition*, to which a thousand of their clergy put their hands. What they insisted upon, in general, was, a farther reformation of the church; to be heard in a conference; or to have their grievances redressed. In particular, their complaints were concerning the cross in baptism: baptism by females: the cap and surplice: the words *priest* and *absolution*: church music: the ring in marriage: lay chancellors: holydays: those words, *with my body I thee worship*, as favouring idolatry; with several other exceptions of the like sort.[1] A conference,

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[1] [The Millenary Petition, so called from the supposed number of its signatures (in reality, they were only seven hundred and fifty), was ranged under the four distinct heads of "Church Service," "Ministers," "Benefices," and "Discipline." Under the first, besides the points mentioned in the text, it demanded the abolition of confirmation, of all interrogatories ministered to children in baptism, of all popish opinions, and of all bowing or reverence at the name of Jesus: it required that an examination should precede, and that a sermon should accompany, the administration of the communion; and it called for an abridgment of the liturgy, for a better observance of the Sabbath, for the establishment of uniformity in matters of doctrine, and for the removal of all but the canonical Scriptures from the public service of the church. It then proceeded as follows:—

"II. *Concerning Church Ministers:*—That none hereafter be admitted into the ministry, but able and sufficient men, and those to preach diligently, and especially upon the Lord's day: That such as be already entered, and cannot preach, may either be removed, and some charitable course taken with them for their relief, or else to be forced, according to the value of their livings, to maintain preachers: That non-residence be not permitted: That king Edward's statute, for the lawfulness of ministers' marriage, be revived: That ministers be not urged to subscribe, but, according to the law, to the articles of religion and the king's supremacy only.

"III. *For Church Livings, and Maintenance:*—That bishops leave their commendams; some holding prebends, some parsonages, some vicarages, with their bishoprics: That double-beneficed men be not suffered to hold, some two, some three benefices with cure, and some, two, three, or four dignities besides: That impropriations, annexed to bishoprics and colleges, be demised only to the preachers' incumbents, for the old rent: That the impropriations of laymen's fees may be charged with a sixth, or seventh part of the worth, to the maintenance of the preaching minister.

"IV. *For Church Discipline:*—That the discipline and excommunication may be administered according to Christ's own institution, or, at the least, that enormities may be redressed, as, namely, That excommunication come not forth nder the name of lay persons, chancellors, officials, &c.: That men be not

to this purpose, had been desired by the puritans, in the late reign; but some reasons of state induced the

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excommunicated for trifles and twelve-penny matters: That none be excommunicated without consent of his pastor: That the officers be not suffered to extort unreasonable fees: That none, having jurisdiction, or registers' places, put out the same to farm: That divers popish canons (as, for restraint of marriage at certain times) be reversed: That the longsomeness of suits in ecclesiastical courts (which hang sometimes two, three, four, five, six, or seven years) may be restrained: That the oath *ex officio*, whereby men are forced to accuse themselves, be more sparingly used: That licences for marriage, without bans asked, be more cautiously granted.

"These, with such other abuses, yet remaining and practised in the church of England," continue the petitioners, "we are able to shew, not to be agreeable to the Scriptures, if it shall please your highness further to hear us, or more at large by writing to be informed, or by conference among the learned to be resolved. And yet, we doubt not but that, without any farther process, your majesty, of whose christian judgment we have received so good a taste already, is able of yourself to judge of the equity of this cause. God, we trust, hath appointed your highness our physician, to heal these diseases: and we say with Mordecai to Esther, 'Who knoweth whether you are come to the kingdom for such a time?'—Thus your majesty shall do that which, we are persuaded, shall be acceptable to God, honourable to your majesty in all succeeding ages, profitable to his church which shall be thereby encreased, comfortable to your ministers which shall be no more suspended, silenced, disgraced, imprisoned for men's traditions, and prejudicial to none but to those that seek their own quiet, credit, and profit in the world. Thus with all dutiful submission, referring ourselves to your majesty's pleasure for your gracious answer, as God shall direct you, we most humbly recommend your highness to the divine Majesty, whom we beseech, for Christ his sake, to dispose your royal heart to do herein what shall be to his glory, the good of his church, and your endless comfort." (Fuller, lib. x. 22; Collier, ii. 672; Howell, ii. 89).

James seems to have been irritated both at the substance and the manner of this and other similar petitions. In a proclamation, issued in October, 1603, he denounced the seditious violence of those spirits, "whose heat tending rather to combustion than reformation," had urged them upon their present course. He was aware that the church, however perfect in its original institution, was not proof against the corruptions of time and the frailty of man. He had heard of abuses and scandals; and had long since determined to make them the subject of inquiry, in a council of prelates and divines. But his purpose had unfortunately been misconstrued. Presuming on what he never intended, men, like these and other petitioners, had taken occasion to pour out invectives against the clergy, to contemn the authority of the courts, and "to gather subscriptions of multitudes of vulgar persons, craving that reformation, which, if really necessary, was more in his heart than theirs." These proceedings were as unbecoming to christian modesty, as they were dangerous to the people. Let it be known, then, that it was still his intention to inquire into the state of religion, and to correct whatever might be amiss: but let his subjects, in the meantime, trust to his princely care; let them "avoid all unlawful and factious manner of proceeding;" and, above all, let them rest assured that whilst, on the one hand, he was resolved to reform all real abuses, so, on the other, he was determined "to preserve the estate, as well ecclesiastical as politic, in such form as he had found it established by the laws" (Wilkins, iv. 371, 372; Strype's Whitgift, 568).—The inquiry here promised by James was the object of the conference mentioned in the text.—*T.*]

queen not to hearken to it. But now a king sitting upon the throne, who was a man both of great erudition, and of no less curiosity, took a resolution to compliment the petitioners with a conference. Accordingly, orders were given out to the managers of both parties, to meet at Hampton-court, in January.
1604 The cause of the Church of England was managed by Whitgift, archbishop of Canterbury, Bancroft bishop of London, Matthew of Durham, Bilson of Winchester, Robinson of Carlisle, Dove of Peterborough, Babington of Worcester, Rudd of St. David's, and Watson of Chichester. To these were joined several deans, viz., Andrews, Overall, Barlow, Bridges, King, and Field.[1] On the other part, were four able divines picked out of the two universities, viz., Dr. John Reynolds, and Dr. Thomas Spark, from Oxford; Mr. Chadderton, and Mr. Knewstubbs, from Cambridge; to whom was added Patrick Galloway, minister of Perth in Scotland.[2] The king and privy-council were also present. Several warm debates happened between them; some whereof were too trivial and too tedious to be inserted. Among other things, the puritans required that the thirty-nine articles might be made more useful, and better fitted for the increase of piety; and that the nine Lambeth articles might be added to them. The king spoke frequently to several points, relating to baptism; and was of opinion, that baptism was not absolutely necessary; and, by consequence, was not for lay-baptism. He was very much for supporting the episcopal character, and took notice of what was common in most people's mouths, "*No bishop, no king*." He cleared the bishop of London, concerning certain books he had allowed of between the clergy and Jesuits, alleging, that it was permitted by order of council. Towards the close of the conference, the

[1] [King was only archdeacon of Nottingham: Field was not dean till afterwards. Four other deans, however, were appointed, though not present on the first day; namely, those of Christchurch, Worcester, Windsor, and the Chapel Royal. Fuller, l. x. 7.—*T.*]

[2] [Galloway was admitted only in quality of an auditor (Ibid. 10). I should add that the disputants on both sides were nominated by the king.—*T.*]

king said publicly: "If this be all they have to say, I'll make them conform, or I'll harry them out of the land, or else do worse." His majesty wanted not admirers, either to flatter, or to do justice to his learning and eloquence upon this occasion: but whether he merited it to that degree, as archbishop Whitgift was pleased to express himself, may be very much questioned. For his grace said: 'He was verily persuaded, that the king spoke by the spirit of God.'[1] However, his majesty was not so much a friend to the church of England, as entirely to disregard the interest of the other party, who obtained so far, as to have some alterations made in the Common-prayer, besides the advantage, they pretended to have, in the way of argument, upon other points; which was judged to be a sufficient ground among themselves, to cry out "Victory." To put a stop to this rumour, Dr. Barlow, dean of Chester, published a narrative of the conference, which the puritans replied to, charging him with falsifying the journal. Archbishop Whitgift "finding the king inclinable, after this, to make some alterations, is said to have died of grief, on the twenty-ninth of February."[2]

[1] Echard, i. 913.

[2] Ibid. [This conference, which lasted during three days, commenced on Saturday, January 14, 1604. On the first day, the bishops and the council were alone admitted. They had been summoned, the king informed them, not for any purposes of innovation, but to aid their sovereign in maintaining that form of ecclesiastical government, which had already been approved by the manifold blessings of the Almighty. For himself, he thanked the gracious goodness of that God, "who had brought him into the promised land, where religion was purely professed, and where he sat amongst grave, learned, and reverend men; not as before, elsewhere, a king without state, without honour, without order, where beardless boys would brave him to the face." Yet he knew that time would impair the best of institutions. Since his arrival in the kingdom, he had been informed of the existence of numerous abuses; and, as it was his purpose to examine into the truth of these complaints, "to remove their occasions, if scandalous; to cure them, if dangerous; and to take knowledge of them, if but frivolous;" so he had called them, his bishops and advisers, together, that, ascertaining now, in the absence of their opponents, if any thing were meet to be redressed, he might afterwards be prepared to take such steps, as would still preserve the church from any visible alteration. He then proceeded to state the points, on which he required satisfaction. It had been objected that confirmation, from its very name, was intended to add something to the power of baptism, and therefore derogated from the sufficiency of that sacrament; that absolution, as prescribed in the rubric, resembled the papal "pardons;"

The affinity, this affair has with matters of the same import, transacted among reformers abroad, especially

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that the authority of the church had, in some instances, been improperly exercised; and that what was called private baptism was an abuse, which ought not to be tolerated. The first three points were easily adjusted. To prevent misapprehension, it was readily agreed that, in the respective rubrics for confirmation and absolution, some explanatory words should be inserted. It was, moreover, decided that the commissary courts were to be reformed by the chancellor and the lord chief justice—(for the abuses in these courts see Strype's Whitgift, Append. 220): excommunications were in future to be restrained to cases only of more serious delinquency: and the bishops were to be forbidden either to confer ordination, or to pronounce censures, without the aid of some grave assistants. On the remaining point there was more difficulty. The prelates argued that, to prohibit lay-baptism was to condemn what had been sanctioned by the apostles themselves; that the importance of the sacrament was the foundation of the custom; and that, although censured by the church, as a general practice, yet, in cases of necessity, it had always and very properly been admitted. To this, however, the king objected. He denied that the customs of an infant church were any authority for the mature establishment; and maintained that the words of the ritual were so general, as to place no limitation to the practice. Nor could he entirely agree with the bishops, on the subject of baptism itself. True it was, he admitted its necessity, provided a lawful minister could be obtained: but he did not admit that a child, dying without the sacrament, would be lost; and he thought, therefore, that no private person should, under any circumstances, be permitted to administer it. Against these doctrines the bishops argued, but in vain, for three hours. At length, finding it useless to resist, they surrendered the point; and a resolution was passed that all baptisms by lay hands should be prohibited.

On the following Monday (January 16), the conference was resumed, and the deputies of the puritans were admitted. Their demands referred to purity of doctrine, to the appointment of learned pastors, to the reformation of the ecclesiastical courts, and to the correction of the book of common prayer. To some the king assented; to others he returned a peremptory refusal: but when at length the question arose, as to the obligation of subscribing to the articles, and of adopting the ceremonies of the English church, a wider field of discussion was opened, and the debate at once assumed a degree of interest, by which it had hitherto failed to be distinguished. Of the speakers James himself appears to have been the most prominent. It had been said, he remarked, that the weak were offended at these ceremonies: yet it was to be feared that, among those who were willing to avail themselves of the plea of weakness, there were many who considered themselves able to teach both him and all the bishops in the land. They demurred, in fact, to the power of the church: they doubted her authority to bind the consciences of men in these matters; and, like the youthful minister who had lately bearded him in Scotland, they claimed the liberty of choosing and deciding for themselves. "But," he exclaimed, "I will have none of that. I will have one doctrine, one discipline, one religion, both in substance and in ceremony." Nor let it be objected, with the puritans, that such things were abused in the times of popery. "I have lived amongst these men, ever since I was ten years old; and nothing has given me a stronger aversion for their system, than their peremptory disapproving every thing used by the papists. Dr. Reynolds," he added, addressing himself with an air of pleasantry to the puritan minister, "they used to wear shoes and stockings in the times of popery;—have you, therefore, a mind to go barefoot?"—In conclusion, however, it was decided that a new translation of the scriptures, together with a national catechism, should be immediately prepared and printed;

in Holland, obliges me to take notice of them. It will appear by the account, that there was a kind of com-

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that the apocrypha, when read in churches, should be distinguished from the canonical writings; and that certain doubtful expressions in the articles should be altered or explained. (See Appendix, No. VI.)

On the third day (January 18), the abuses of the high commission court became the first object of attention; and a resolution, reducing the number of judges, and ordering them to be selected exclusively from the higher classes, was unanimously adopted. The ministers were then called in: a note, prepared by the bishops, and containing a list of the several alterations to be introduced in the liturgy, was read to them; and, with a promise that conformity should not be exacted, until the expiration of a certain reasonable interval, the assembly was dismissed (Fuller, l. x. 7—21; Howell, ii. 69—90; Winwood, ii. 13—15). Thus terminated this extraordinary conference. By the bishops, who had frequently been compelled to surrender their opinions to the dictates of the royal theologian, it could scarcely be regarded with feelings of unmixed satisfaction. By the puritans it was described in terms of bitter and not unmerited resentment. They complained that their ministers had been browbeaten and insulted; that James, instead of satisfying their scruples, had only demanded their submission; and, finally, that an account of the proceedings had been published, which, in many of the most material passages, had falsified or suppressed their arguments (Fuller, l. x. 21; Neal, ii. 19). The king alone appears to have been satisfied. Whitgift, the primate, had declared that "his majesty spoke by the special assistance of God's spirit:" the bishop of London had "protested that his heart melted with joy," to think that they possessed a king, "such as, since Christ's time, the like had not been" (Fuller, ibid. 19, 20): even the flattery of the lords re-echoed the fulsome greetings, and taught the monarch to believe that the union of "king and priest" had been fully accomplished in his person (Neal, ii. 17). Writing to one of his officers in Scotland, James thus proclaims the splendour of his achievements:—"We have kept such a revel with the puritans here this two days, as was never heard the like; where I have peppered them as soundly as ye have done the papists there. It were no reason that those, that will refuse the airy sign of the cross after baptism, should have their purses stuffed with any more solid and substantial crosses. They fled me so from argument to argument, without ever answering me directly, *ut est eorum moris*, as I was forced at last to say unto them, that, if any of them had been in a college, disputing with their scholars, and any of their disciples had answered them in that sort, they would have fetched him up in place of a reply, and so should the rod have plied," &c. (Strype's Whitgift, Append. 239). Others, however, like Sir John Harington, thought differently of the monarch's prowess. "The king," says that writer, "talked much latin . . ., but he rather used upbraidings than argument; and told the petitioners that they wanted to strip Christ again, and bid them away with their snivelling. Moreover, he wished those, who would take away the surplice, might want linen for their own breech. The bishops seemed much pleased, and said his majesty spoke by the power of inspiration. I wist not what they mean: but the spirit was rather foul-mouthed" (Nugæ Antiq. i. 181, 182).

I will conclude this note with the following letter, illustrative of the proceedings immediately subsequent to the conference. It is addressed to the bishop of Norwich, by a writer whose name is lost.

"Right Honourable, and my very good Lord, meeting with so convenient a messenger as this my loving cousin, I could not omit my most bounden duty of writing to your lordship at this present.

"The occurrences of the time, which perhaps your lordship is not ignorant

bination among the puritans, at this time, to make a hearty push against their enemies. And to trace things from their source: It is to be observed, that, in the united provinces, since their defection from Spain and the see of Rome, though they admitted sects of any sort upon a politic view, yet Calvin's system, both as to church discipline and doctrinal points, was the only profession, that had a legal establishment. Now, about the beginning of king James the First's reign, they began to be divided into two parties, upon account of doctrine. Some were called Gomarists, others Arminians. The first had their name from Francis Gomar, a professor of divinity in the university of Leyden; which place he

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of, are especially about the matter of religion. On Saturday last, being the ninth" (it ought to be the *eighth*) "of this present, there was a petition delivered to his majesty, by three or four knights of Northamptonshire, in favour of the ministers which refuse subscription; whereat his majesty took such a deep impression, as, the next day, being Sunday, he sat eight hours in council with the lords. In this meeting, he first most bitterly inveighed against the puritans; saying that the revolt in the Low Countries, which hath lasted ever since he was born, and whereof he never expected to see an end, began first by a petition for matter in religion, and so did all the troubles in Scotland: that his mother and he, from their cradles, had been haunted with a puritan devil, which, he feared, would not leave him to his grave: and that he would hazard his crown but he would suppress those malicious spirits.

"From the puritans he proceeded to the papists, protesting his utter detestation of their superstitious religion, and that he was so far from favouring it, as, if he thought his son and heir after him would give any toleration thereunto, he would wish him fairly buried before his eyes.

"Besides, he charged the lords of the council and the bishops present, that they should take care themselves, and give order to the judges of the land, to the justices and other inferior officers, to see the laws speedily executed with all rigour against both the said extremes.

"Hereupon, yesterday, being Ash-Wednesday, the lords spiritual and temporal and judges of the land, giving the charge to the gentlemen of the country in the star-chamber, as the manner is at the end of every term, declared his majesty's pleasure; shewing withal, in most vehement manner, how much themselves were incensed against the disturbers of the state in both extremes.

"My lord chancellor delivered his speech with tears. He asked three questions; the first, of the lords of the council, whether to gather hands to move his majesty by petition in matters of religion (as certain puritan gentlemen went about) were not a matter tending to sedition and rebellion? They all answered, Yea. The second was to the judges, whether those men, that were deprived for not conforming themselves, could be restored by the law? They answered, No. The third was concerning papists. Thus much I am bold to relate to your lordship, not doubting but you are already, or shall be, more particularly informed by my lords, the bishops that were present. And so, with acknowledgment of my ever bounden duty, I rest your lordship's ever to be commanded. London, February 14, 1604. Apud Ellis, second series, iii. 215—218.—*T.*]

being obliged to leave, in 1611, he rambled about for some years. First, he retired to Middleburg, in Zeland; thence he went to Sedan, where he was entertained by the duke of Boulogne; afterwards to Saumur, upon an invitation of that learned French Huguenot, Plessis Mornay. Afterwards, returning into his own country, in the year 1618, he read a lesson of divinity in the new university, erected at Groningen in Friesland. As to the Arminians, they derived their name from James Arminius, formerly one of Beza's disciples. He was also professor of divinity at Leyden, where he died in the year 1609. In the year 1604, those two professors proclaimed open war against each other, both in the schools, and by writing.[1] The contest between them was concerning Justification, Free-will, Predestination, and other matters relating to grace. Both had their followers, as well among the laity, as among the divines; and the factions increased daily. In the year 1606, a synod was held at Gorcum, where the Arminians, being favoured by the secular power, procured the Heidelberg catechism and the Belgic confession (wherein God was said to be the author of sin) to be partly condemned, and several articles of the Dutch catechism to be expunged.[2] To compose these differences, Gomarus and

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[1] [Gomar had previously endeavoured to prevent the nomination of Arminius to the chair at Leyden. His opposition was grounded on the alleged heterodoxy of the new professor. Arminius, however, justified himself to the satisfaction of the curators, and the appointment took place. This was in 1603. Brandt, ii. 26—28.—*T.*]

[2] [The Belgic Confession, which embodies most of the opinions taught by Calvin and adopted by the reformed French churches, was drawn up by Guido de Bres, Adrian Saravia, and some other ministers, and published under the title of "A Confession of the Faith generally and unanimously maintained by the believers, dispersed throughout the Low Countries, who desire to live according to the purity of the holy Gospel of our Lord Jesus Christ." (Brandt, i. 142). Originally, says Uitenbogaert, it was intended to serve only as an apology for the reformed, in the time of persecution: subsequently, however, custom and tradition gave it an authority, and, without being duly examined or approved, it silently became a formulary and a rule of doctrine. To it was then added another similar work, the Catechism of Heidelberg; and both were ordered to be subscribed by all ministers (Uitenbogaert, 471; Brandt, ii. 57). Dodd, however, is mistaken as to the condemnation of these formularies at Gorcum. At a meeting of the states-general, in March, 1606, in consequence of the repeated applications of the clergy, permission was given to convene a national synod, but, on the express condition that one of its duties should be,

Arminius held a conference, before the states-general, at the Hague, in the year 1608. Several other private meetings were appointed, and books published to the same purpose; but none took effect. The chief tenets of the Gomarists were: 1°. That some persons were created to be damned: 2°. That some were under a necessity of committing sin: 3°. That God did invite some, whom he had decreed not to save.[1] In January,

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to "revise the Catechism and Confession." This decision was immediately announced to the provincial synods. That at Harlem accepted the condition, but with a distinct protest that, by so doing, it did not intend to permit any alteration in the faith of the country, as contained in the formularies in question. That at Gorcum complained of the word "revise," and required the substitution of a term less offensive: while another at Groningen, in the following year, declared that the members "could not consent to any revision of the Netherland confession of faith, or catechism, or to any alteration to be made in them by a national synod; seeing that, at their entrance into the ministry, they had bound themselves by oath to maintain the same." Uitenb. 329, 334—346; Baudart, 9; Brandt, ii. 38, 39.—*T.*]

[1] ["Some are conceived to have directly, or at least *indirectly*, taught, that God has made some men to damn them, and so compels them to sin; and that he has again invited others to salvation, whom he has absolutely decreed not to save" (Proclamation of the States of Holland and West Friesland, apud Brandt, ii. 138). The doctrines professedly held by Gomar were, 1°. That all men are born in sin, and are unable, of themselves, to turn to God; that some, however, by an eternal decree of the divine mind, have been elected to salvation through Christ; but that the rest are suffered to remain in the corruption of nature, and in their own iniquities: 2°. That election is antecedent to faith and perseverance, which also, by an eternal resolve, are bestowed on the predestined: 3°. That the death of Christ, though sufficient in itself for the redemption of all, is, by the same eternal decree, restrained in its efficacy to the elect: 4°. That the graces of the Holy Spirit so operate on the hearts of those who are destined to be saved, as to cause them actually and freely to turn to God, and believe: 5°. That all the elect, without any co-operation on their own part, are, at some time or other, thus effectually regenerated: and 6°. That, although they may afterwards fall into grievous sins, they cannot finally and entirely be deprived of that spirit of adoption which they have received (Conference at the Hague, 21; Baudart, 34; Triglandius, 548).

On the other hand, the distinguishing tenets of the Arminians are thus set forth by themselves:—1°. That God has resolved to elect those who, through his grace, believe and persevere; to reject those who remain unconverted and obstinate in their infidelity: 2°. That Christ, by his death, procured reconciliation and pardon for all; but that the faithful alone enjoy the benefits of his redemption: 3°. That saving faith can be obtained only by God's grace, through the merits of Christ: 4°. That this grace may be resisted: and 5°. That true believers may nevertheless fall from God by their own fault, and lose faith wholly and finally (Confession of the Hague, 2; Brandt, ii. 75). These were afterwards distinguished by the appellation of "The Five Articles."

Perhaps I ought to mention, in this place, the appeal made by each of the contending parties to the protection of the civil power. The example was set by the Arminians, who, in January, 1610, resolved to address the states of Holland, and to petition for support against the increasing influence and hostility

1614, the states-general, being inclinable to favour the Arminians, ordered a decree to be published, imposing silence on both parties, till matters could be determined in a synod, which was to be assembled upon the first convenience.[1] This edict gave the Arminians an opportunity of strengthening their interest; but so exasperated the Gomarists, that, finding their adversaries still favoured by the states, they applied themselves to the king of England, to whom they represented their case in such a manner, as if the Arminians were not only heretics, but a kind of atheists, who ought to be suppressed for the common good of the reformation. King James did what he could, to comply with their request, both by letters, and by his ambassador, sir

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of their opponents. With this view, they drew up a Remonstrance, complaining of the calumnies with which they were assailed, and requesting that their doctrines, which they reduced to the five heads above-mentioned, might be examined in a general synod. If that could not be immediately granted, then they desired that mutual toleration and forbearance might be enjoined; that no member of the clergy or of the universities might be accused or prosecuted for holding their opinions; and that the remonstrants, in particular, might be taken under the protection of the states, and defended from all censures, levelled against them for their present proceeding. To this document the Gomarists, in the following year, replied by a contra-remonstrance. But the feeling of the states was already enlisted on the other side. If a general synod was refused on grounds of expediency, a private conference, with a view to adjustment, was ordered: and, when this failed to produce the desired object, a resolution was immediately published, that no persons should be bound to adopt the opinions of either side, but that all "should live mutually, like brethren, in christian charity, in the spiritual employments which they actually possessed, or might obtain."—It was from the two documents here described, that the respective parties were immediately distinguished by the names of "Remonstrants," and "Contra-Remonstrants." Confession of the Hague, 2; Baudart, 26, 34; Triglandius, 548; Brandt, ii. 76, 82. 93—95.—*T.*]

1 [This decree is not correctly described. Instead of "imposing silence on both parties," it, in reality, condemned the doctrines of the contra-remonstrants, declared that "salvation was from God, destruction from ourselves alone," and, having ordered all explanations of Scripture to be made in accordance with the tenets of the remonstrants, strictly forbad any one to disturb or molest the latter. "Nor will we ever endure," say the states, "that they who go no farther in preaching or professing, than that the Almighty has, from all eternity, and of his own good pleasure, founded on Jesus Christ, our Lord and Savour, elected to everlasting salvation those who, through the unmerited grace and operation of the Holy Ghost, do believe in our Lord Jesus, through the like unmerited grace, persevere to the end in the same faith,—and, on the contrary, that God has rejected to destruction those who will not believe in Christ Jesus, and who persevere in the same unbelief to the end, shall be molested, or obliged to preach, or enter deeper into these mysteries; the said doctrine being sufficient, as we think, for salvation and christian edification." Brandt, ii. 138. The decree is also in Uitenbogaert, 609, and Grotius, Opera Theol. iii. 141.—*T.*]

Dudley Carleton: but Barnevelt, and several other great men among the states, traversed all his designs.[1]

[1] [James's interference was long anterior to the decree of 1614, in which Dodd supposes it to have originated. On the death of Arminius, in 1609, Vorstius, a man of acknowledged abilities, but of suspected orthodoxy, had been selected by the curators of the university to fill the vacant chair. Like his predecessor, he was opposed by the contra-remonstrants: like him also he successfully defended himself against his accusers; and, with the sanction of the university, had already (1611) arrived at Leyden, to take possession of his new office (Winwood, iii. 296, 310, 316; Brandt, ii. 98). James had watched the contest with the interest of one, whose feelings, from early education, had long been enlisted on the side of the contra-remonstrants. He had previously expressed his alarm at the audacious extravagances of Arminius (Winwood, iii. 293); and in the partial success of Vorstius he was now lamenting the defeat of his own principles, when archbishop Abbott, at the request of the Calvinist party, undertook to engage him in the quarrel (Brandt, ii. 97). A treatise, written by Vorstius, on the attributes of God, was placed by the prelate in the hands of the king. James was shocked at the blasphemies of the work: he instantly drew up a list of heresies contained in it, and, forwarding it to Winwood, his ambassador at the Hague, ordered him to lay it before the states, and to request that the appointment of "the blasphemous monster" might not be ratified. Winwood performed his commission, and received for answer, that a time should be appointed for the examination of Vorstius. But James was not satisfied. He wrote to the Hollanders himself, demanding the instant expulsion of the accused, and declaring that no defence which the latter could make, no explanation which he could offer, would justify them in affording shelter to a man, whose impieties would deservedly condemn him to the stake. They must remember, he said, that the king of England was the defender of the faith. If they permitted such pestilent heresies to nestle among them, he must proclaim their apostacy to the world; he must separate at once from their communion, and must take counsel with the other reformed churches, how to extinguish and remand to hell such accursed doctrines (James's Works, 355). In the hope that it might prove unnecessary, this letter was not immediately delivered: and, in the mean time, Vorstius, though not admitted to exercise the duties of his office, was publicly installed in the professorship. Winwood now (Nov. 5) hastened to present the letter, and, with it, to address a second remonstrance to the states. At the end of several weeks, their former answer was repeated: another and more threatening remonstrance from the ambassador followed (Dec. 9): but the resolution of the Hollanders remained unshaken, and an examination of the accused, at their meeting in the following February (1612), was all that they would promise. When February arrived, Vorstius appeared before the assembly, and soon succeeded in justifying himself in the minds of his judges. By James, however, his books had been condemned to the flames at home, and denounced through the press abroad. Though some proposed to admit him at once to the duties of his office, there were others who deemed it more prudent to compromise matters, if possible, and dismiss him from Leyden with an honourable testimonial of their esteem. At length, a middle course was adopted. It was decided that he should send in a written copy of his defence, which was to be again considered by the assembly, and, if found satisfactory, to be laid before the English king. It was further ordered, that he should not be required to enter on the duties of his professorship for twelve months; that, in the mean time, he should retire from Leyden to any town, except the Hague, where he might choose to reside, and where he should continue to enjoy the stipend of a professor; and, finally, that he should employ

All the provinces appeared now to be divided, and to take either one part, or the other. The whole province of Utrecht, with many towns in Holland, viz., Harlem, Leyden, Rotterdam, Horn, Brill, Hague, &c., declared for the Arminians; as also Nimeguen in Gelderland. The Gomarists were supported by Zealand, Friesland, Groningen, Amsterdam, Dort, and three or four more small towns in Holland. But, what proved of most advantage to the latter, Maurice, prince of Orange, and William of Nassau, stadtholder of Friesland, not only appeared for them, but had gained the common people and the army to their side. In opposition to this, the states-general issued out an order, dated February 20, 1617, for raising ten thousand men; which was done in Utrecht, Leyden, Rotterdam, and other places favouring the Arminians.[1]

Meantime the Gomarists were very industrious in dispersing libels against the other party, especially Barnevelt, who was so rudely handled, that he thought himself obliged to make some reply; which he did, in an apology published in July, with the consent and approbation of the states of Holland.[2] But this apology, instead of doing him a service, was represented as a piece prejudicial to the whole republic: as if the author had made public some of their secrets, which

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the leisure thus provided for him, in reviewing his writings and opinions, and in drawing up an answer to all the books published against him, either during the preceding year, or before the expiration of the next three months. He retired to Gouda, about five leagues from Leyden. Compare Winwood, iii. 293—296, 304—310, 316, 317, 348, 357, with Grotius, Pietas Ord. Holland. vindicata, inter Opera Theolog. iii. 101; Epist. Ecclesiast. 333; and Brandt, ii. 85, 97, 98.—*T.*]

[1] [The order, here referred to, was really dated August 4, 1617, and formed part of what has sometimes been called "the Rigorous Resolution." In the preceding February, Amsterdam had been the scene of the most dangerous and disgraceful riots. Similar excesses had afterwards followed in other places; and, to prevent their recurrence, this resolution required the magistrates of each town to encrease, and form into regular companies, the wardens or militia of the burgh (Baudart, lib. ix. 37; Grotius, Apologet. 228; Brandt, ii. 290—296, 342, 343). I should add that prince Maurice, though now ranged on the side of the contra-remonstrants, was one of the original promoters of Vorstius's appointment to the professorship. Brandt, ii. 99; Bayle, Dict. iv. 2841, art. "*Vorstius*."—*T.*]

[2] [The substance of this apology is in Brandt, ii. 456—458. It was dated, not in July, 1617, but on the twentieth of April, 1618.—*T.*]

would give a handle to the Spaniards to molest them. This was a stratagem of the Gomarists, who, right or wrong, were resolved to make Barnevelt odious to the people: and they could not do it a more effectual way, than by making them believe he was in the interest of Spain. The king of England, in like manner, gave orders to his ambassador, to bestir himself in favour of the Gomarists, and, upon all occasions, to represent the Arminians as the original cause of the present factions and disturbances, to the endangering of the republic. And to this effect sir Dudley Carleton made a speech in the presence of the states-general, assembled at the Hague, October 6, 1617. The Arminians, being highly provoked at this behaviour of the English ambassador, were resolved to take notice of it; which they did, immediately after, by publishing a book, called the *Balance*, in French and Flemish, and penned by John Taurin, the chief moderator of the Arminian church at Utrecht. He took in pieces the ambassador's speech, and replied to it point by point. Several other pamphlets appeared, almost every day, to the same purpose.[1]

Afterwards, the Gomarists, finding that they could not gain their point either by conferences or by writing, were resolved to try what force could do. Accordingly,

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1 [Uitenb. 829—860; Trigland. 977, 1018; Baudart, l. ix. 69, 72. Carleton was so irritated by Taurinus's publication, which appeared anonymously, that he prevailed on the states to offer a reward of one thousand gilders for the discovery of the author, and five hundred for that of the printer; together with the promise of a free pardon to the latter, if, within the space of fourteen days next ensuing, he gave information of the writer (Ibid.). I should add that the author was not *John* Taurinus, but his brother *James*. John was a minister at the Hague, was suspended by the synod of Delft, and soon after went over to the contra-remonstrants, from whom he obtained a small benefice at Maasland. James, in consequence of his publication of the *Balance*, was compelled to seek an asylum in Brabant; and, on the twenty-second of September, 1618, died at Antwerp, in the arms of his friend Uitenbogaert (Uitenb. 862, 1007; Brandt, ii. 556, 565, 566, 568).

The principal object of Carleton's speech was, to recommend the convening of a national synod, as the only apparent means of adjusting the differences of the two parties. The English king had previously suggested the adoption of this measure (Brandt, ii. 313); and the remonstrants themselves, in the very document from which they derived their name, had petitioned for it: but the encreasing influence of their adversaries had since taught them to shrink from the appeal, and they now opposed it as earnestly as the followers of Gomar demanded it.—*T.*]

Maurice, prince of Orange, the head of their party, by order of some of the states who favoured the cause, took possession of the Brill, about the beginning of 1618; and soon after of Nimeguen and Utrecht.[1] Then, returning to the Hague, he procured from some of the states, of his faction, that the soldiers, raised by the Arminians by the consent of the states-general, might be forthwith disbanded.[2] In the next place, he secured the chief persons of the other party, viz., Barnevelt, advocate of Holland, Hugh Grotius, pensionary of Rotterdam, Rombout Hoogerbeets, pensionary of Leyden, and N. Ledinberg, secretary of Utrecht, who were all committed close prisoners in the castle at the Hague. About the latter end of September, Ledinberg was found with his throat cut; and, as some suspected, not by himself, but by another hand.[3] This kind of treatment obliged others of the Arminian faction to secure themselves by flight; especially Wenborgard [or Uitenbogaert], John Taurin, and Adolphus Venator, who, with several others of the eminent clergy, retired into Brabant and other places. Taurin died soon after, in a village near Antwerp. The heads of the Arminian party being thus confined or dispersed, prince Maurice visited all the towns, that had been remarkably in their interest; and, neglecting the usual forms of choosing magistrates, he turned out the old ones, and put new ones in their places, at Harlem, Horn, Leyden, Rotterdam, &c.; a thing the Spanish government durst

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[1] [The occupation of the Brill took place, September 30, 1617. The transactions at Nimeguen and Utrecht were confined to the disbanding of the warders, and the change of the magistrates; the first in January, the second in August, 1618. Brandt, ii. 385; Baudart, l. ix. 93; Uitenb. 903.—*T.*]

[2] [The disbanding of the warders at the Hague took place on the twenty-first of August, 1618. Brandt, ii. 504, 505.—*T.*]

[3] [The arrest of Barnevelt and the two pensionaries took place on the twenty-fourth of August. On the preceding evening, Carleton, James's ambassador, had arrived from England, and had spent the greater part of the night in conference with the prince. Hence a suspicion arose that the seizure of these parties was effected with the approbation, if not at the suggestion, of the English king (Trigland. 1091; Uitenb. 994, 995; Baudart, l. x. 62). Both Grotius and Uitenbogaert inform us that Ledenberg destroyed himself, in order to avoid the torments of the rack, with which he was threatened. Grot. Apol. l. xv. Uitenb. 1006.—*T.*]

never attempt, when they exercised the most despotic power over those countries.[1] When the time approached that the general synod was to meet, that was designed to pronounce upon these religious debates, the Gomarist divines assembled at Dort, in November 1618; an invitation was also sent to the divines of Geneva, Heidelberg, Switzerland, and England. As for the Arminians, they were expressly excluded, as schismatics. However, they entered their protest against the proceedings of the synod, and appealed to judges that were indifferent; but could receive no other satisfaction, than what they procured by the liberty of their pens.[2] It may be observed in general concerning these debates, that the Gomarists, or rigid Calvinists, maintained the same opinions, that are commonly taught at Geneva and Heidelberg, and by the huguenots in France, and puritans in England. On the other hand, the Arminians approach very near to the doctrine of the catholic church, in their opinions concerning predestination, free-will, justification, &c.; and borrow their arguments from the divines of the Roman communion.

It only remains that I be somewhat more particular upon this subject, in what relates to the behaviour of those divines, that were sent from England, to sit in this noble assembly, which was opened, November 3, 1618, and concluded, April 29, 1619. The king sent over John Carleton bishop of Llandaff, Joseph Hall dean of Worcester, John Davenant master of Queen's college in Cambridge, and Samuel Ward master of Sidney college in the same university, who were to speak, what was the doctrine of the church of England, and behave themselves according to the instructions, his majesty gave them in nine articles. The third charges them, not to depart from the established doctrine in England. The sixth, that they should conform themselves to the confession of foreign churches.[3] This will appear to

[1] [These changes were effected during the months of September, October, and November, 1618. The latest was that of the Hague, on the eighth of November. See an account of them in Brandt, ii. 519—531.—*T.*]

[2] [Bayle, Dict. ii. 1087, art. "*Episcopius*."—*T.*]

[3] [This is one of those mistakes, into which Dodd's carelessness too frequently

be an inconsistence, unless we suppose an uniformity among those churches, which is far from fact. Our divines landed at Middelburg, October 20, 1618, and, arriving at the Hague the 27th, took their places in the synod at Dort, November the third. The states of Holland allowed them ten pounds a week, each, for expenses ;[1] and they had in charge from the king, to send over, weekly, how matters were carried on. The tenth of December, Walter Balcanquell, fellow of Pembroke hall, arrived at the synod, being sent thither by his majesty, to explain the doctrine of the church of Scotland.

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betrays him. The deputies were not charged to " conform themselves to the confession of foreign churches," but to advise those foreign churches to maintain a uniformity of belief among themselves. I will subjoin a copy of the instructions :—

" 1°. Our will and pleasure is, that, from this time forward, upon all occasions, you inure yourselves to the practice of the Latin tongue ; that, when there is cause, you may deliver your minds with more readiness and facility.

" 2°. You shall, in all points to be debated and disputed, resolve amongst yourselves, beforehand, what is the true state of the question, and jointly and uniformly agree thereupon.

" 3°. If, in debating of the cause by the learned men there, any thing be emergent whereof you thought not before, you shall meet, and consult thereupon again, and so resolve among yourselves jointly what is fit to be maintained. And this to be done agreeable to the Scriptures and the doctrine of the church of England.

" 4°. Your advice shall be to those churches, that their ministers do not deliver in the pulpit to the people those things for ordinary doctrines, which are the highest points of schools, and not fit for vulgar capacities, but disputable on both sides.

" 5°. That they use no innovation in doctrine, but teach the same things which were taught, twenty or thirty years past, in their own churches, and, especially, that which contradicteth not their own confessions, so long since published and known unto the world.

" 6°. That they conform themselves to the public confessions of the neighbour reformed churches, with whom to hold good correspondence shall be no dishonour to them.

" 7°. That, if there be main opposition between any, who are overmuch addicted to their own opinions, your endeavour shall be, that certain positions be moderately laid down, which may tend to the mitigation of heat on both sides.

" 8°. That, as you principally look to God's glory and the peace of those distracted churches, so you have an eye to our honour, who send and employ you thither ; and, consequently, at all times consult our ambassador there residing, who is best acquainted with the form of those countries, understandeth well the questions and differences among them, and shall from time to time receive our princely directions, as occasion shall require.

" 9°. Finally, in all other things, which we cannot foresee, you shall carry yourselves with that advice, moderation, and discretion, as to persons of your quality and gravity shall appertain." Fuller, l. x. 77, 78.—*T.*]

[1] [It was " ten pounds sterling a *day*, three score and ten pounds by the week." Fuller, l. x. 79.—*T.*]

Soon after, Dr. Hall being obliged to return into England, on account of ill health, his place was supplied by Dr. Thomas Goad, chaplain to the archbishop of Canterbury. They all took an oath, to decide matters according to the scriptures; and ran through several points of doctrine: the chief whereof were these five: 1°. Predestination. 2°. Reprobation. 3°. Latitude of Christ's merits. 4°. Free-will. 5°. Perseverance.[1] "In the hundred and forty-fifth session, the Belgic confession was brought in, to be subscribed by the Dutch, and publicly approved by the foreign divines. In this form of belief there was one article, which clashed directly with the constitution of the English church. It is the thirty-first, where it is expressly affirmed, 'that the ministers of the word of God, in what place soever settled, have the same advantage of character, the same jurisdiction and authority, in regard they are, all of them, equally ministers of Christ, the only universal bishop, and head of the church.' This article, being a broad censure of the government of the church by archbishops and bishops, was opposed by the British divines."[2] And "the bishop of Llandaff, in the name of all the rest, approved all the points of doctrine: but, as for matter of discipline" (namely the episcopal power), "that his mother church and his own order might not suffer therein, and he seem, by silence, to betray the cause thereof, a protest was entered by him, as mouth for the rest."[3] It appears from this subscription of the English

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[1] [The following is the oath taken on this occasion:—"I promise before God, whom I believe and adore, the present searcher of the heart and reins, that, in all this synodal action, wherein shall be appointed the examination, judgment, and decision, as well of the known 'five articles' and difficulties thence arising, as of all other doctrinals, I will not make use of any human writing, but only of God's word, for the certain and undoubted rule of faith; and that I shall propound nothing to myself in this whole cause, besides the glory of God, the peace of the church, and especially the preservation of the purity of doctrine therein:—so may my Saviour, Jesus Christ, be merciful unto me, whom I earnestly pray that, in this my purpose, he would always be present with me with the grace of his Spirit." Fuller, l. x. 78, from the Acta Synod. Dordrec. 64.—*T.*]

[2] Collier, ii. 717.

[3] Fuller, l. x. 81. [The substance of Carleton's protest was published by himself, on his return to England. "When we were to yield our consent to

divines, that their master was a stiff calvinist, as to doctrinal matters, though not as to the episcopal character, to which he was a friend,—perhaps upon the same motive, that the states were enemies. If the states found the sweet of enjoying the temporalities of seven episcopal sees, upon their revolting from Spain and the see of Rome, princes have some advantage in supporting the dignity, whereof the bestowing is a part of their prerogative, and attended with no small profit.

To conclude this narrative: the Gomarists, having beforehand secured unto themselves the civil power, could not fail of success in the issue of the synod, which was fatal to their adversaries. The head of their party was sentenced to die; and about seven hundred families sent into banishment by order of the states-general.[1] As for king James, by attempting to make up breaches among foreigners, he widened them at home; for now the same disputes were revived among the clergy of the church of England. Some, under the name of Remonstrants, maintained the Arminian doctrine; others,

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the Belgic Confession at Dort," he says, "I made open protestation in the synod, that, whereas in the confession there was inserted a strange conceit of the parity of ministers to be instituted by Christ, I declared our dissent utterly in that point. I showed that by Christ a parity was never instituted in the church; that he ordained twelve apostles, as also seventy disciples; that the authority of the twelve was above the other; that the church preserved this order left by our Saviour (and, therefore, when the extraordinary power of the apostles ceased, yet this ordinary authority continued in bishops, who succeeded them, who were by the apostles left in the government of the church, to ordain ministers, and to see that they who were so ordained should preach no other doctrine); that, in an inferior degree, the ministers, who were governed by bishops, succeeded the seventy disciples; that this order hath been maintained in the church from the times of the apostles. And herein I appealed to the judgment of antiquity, and to the judgment of any learned man now living; and craved herein to be satisfied, if any man of learning could speak to the contrary. My lord of Salisbury is my witness, and so are all the rest of our company, who spake also in the cause." (Apud Collier, ii. 717).

Besides other matters decided in this synod, the works of Vorstius were, at the special request of the English monarch, condemned, and himself declared unworthy to bear the name of a professor. Balcanquell to Carleton, inter Epist. Theol. et Eccles. 575.—*T.*]

1 Collier, ii. 718. [When Barnevelt was ordered to be executed, Hoogerbeets and Grotius, after the formality of a mock trial, were condemned to perpetual imprisonment. The former died in his confinement, in 1625; but the latter, in 1620, was by his wife placed in a chest, usually employed to transport his books and linen to Gorcum, and was thus secretly conveyed from his prison. Du Mourier, Mem. de Holl. 404.—*T.*]

called Contra-Remonstrants, took part with the Gomarists. Those, that have delivered themselves impartially concerning this remarkable assembly of the reformers, tell us, that it contributed not the least towards their union; but, on the contrary, was a plain proof and instance, that all attempts of that kind would be unsuccessful, and, in particular, that the proceedings of the Dort synod were both uncanonical and tyrannical. The Arminians alleged that they had a right to be heard, but were excluded by the secular power. Mr. Collier, and several writers of the church of England, are so far from approving of what was done in that synod, that they bring several arguments to destroy its authority: particularly, that it is without precedent, that a synod of presbyters should pretend to prescribe terms of communion between church and church: that "the English, who appeared there, were no other than four court-divines; their commission and instructions were only from the king: properly speaking, they were no more than his majesty's plenipotentiaries. They had no delegation from the bishops; and by consequence were no representatives of the British church."[1] What opinion catholics had of these proceedings, any one may easily judge, who compares Trent with Dort, and, having taken a view of that assembly, made up of all the learned prelates in Europe, then casts his eye upon a paltry conventicle of despisable parish priests, overawed in every branch of duty. There is no room to object against the method of holding councils in the catholic church, where all things are carried on with freedom, and none excluded; where decrees are not made to favour the temporal views of particular states and kingdoms; but those preside, who are appointed by Christ, to rule and govern his church upon earth: which is far different from what is observed among the reformed churches.

[1] Collier, ii. 718.

## ARTICLE III.

GUNPOWDER PLOT.—EXPECTATIONS OF THE CATHOLICS ON THE ACCESSION OF JAMES—THEY ARE DISAPPOINTED—THE KING IS HOSTILE TO THEM—HE BANISHES THE MISSIONARIES—AND ORDERS THE STATUTES OF RECUSANCY TO BE ENFORCED—THEIR CRUELTY—PARLIAMENTARY ENACTMENTS—PROGRESS OF THE PERSECUTION—CATESBY CONCEIVES THE IDEA OF BLOWING UP THE PARLIAMENT HOUSE—THE PERSECUTION ENCREASES—TERRORS OF THE CATHOLICS—CATESBY'S ASSOCIATES—THEY TAKE AN OATH OF SECRECY—THE MINE IS OPENED—FAUKES HIRES A CELLAR UNDER THE PARLIAMENT HOUSE—OTHER ACCOMPLICES ARE ENLISTED—SCRUPLES OF THE CONSPIRATORS—CATESBY'S CONVERSATION WITH GARNET—LETTER TO LORD MOUNTEAGLE—APPREHENSION OF FAUKES—HIS COMPANIONS PURSUED—THEY ARE TAKEN OR KILLED AT HOLBEACH—EXTRACT FROM GERARD'S NARRATIVE—PUNISHMENT OF CATHOLIC PEERS—DIFFERENT OPINIONS CONCERNING THE PLOT—THE CATHOLICS NOT CHARGEABLE WITH IT—BREVE OF CLEMENT VIII.—JAMES ACQUITS THE CATHOLICS—LETTERS FROM ROME—THE ARCHPRIEST CONDEMNS THE PLOT.

Upon the decease of queen Elizabeth, catholics had conceived strong hopes that things would be much better with them, in regard of religion; many of them being of opinion, that king James would favour them with extraordinary privileges. Some expected a toleration: others, more sanguine, thought his majesty himself was not much averse to the catholic cause, and only wanted to be well supported in his inclinations. They frequently entertained themselves with the subject, suggesting the grounds of their belief, viz., the many favours he had received from the king of Spain, and other catholic princes, when he was distressed by his subjects in Scotland: the correspondence he held with several missioners of the see of Rome, upon some matters not known to the public: the entire respect he had for the memory of his mother, who never was persecuted, or ill spoken of, but by the reformed churches; with several kind expressions, dropping from him in discourse, which all tended to the same purpose. But what chiefly spirited up some particular persons of that party was, a discourse secretary Cecil had with Mr. Tresham and some other catholics of figure; importing, that his majesty would not frustrate their expectations, but make good all he had promised, while he was king

in Scotland.[1] Now, whether these gentlemen took hopes for promises; whether king James found himself

[1] [That the catholics not only entertained, but were justified in entertaining, these hopes of toleration from James is certain.—1°. It was known that, in most of his religious opinions, he approached at least, if he did not entirely assent, to the doctrines of the ancient church. In a despatch of Beaumont, the French ambassador, cited by Mr. Jardine (ii. 17), we are told that, immediately after the arrival of that minister in London, the king assured him "qu'il n'étoit point hérétique, c'est à dire refusant à connoître la vérité; qu'il n'étoit non plus puritain, ni moins séparé d'église; qu'il y estimoit la hiérarchie nécessaire; par consequent, *qu'il avoueroit toujours le pape pour le premier évêque, et en icelle président et moderateur au concile*, mais non chef ni supérieur." In his "Premonition" to the "Apology for the oath of allegiance," James himself, having professed his belief in the three creeds, in the early councils, and in the scriptures as interpreted by the fathers of the first four centuries; having moreover declared his willingness to honour the saints, to observe their festivals, and to reverence her who, "blessed amongst women," is "the mother of God . . . , in glory both above angels and men," thus procceds to speak on the same subject of the supremacy. "That bishops ought to be in the church I ever maintained, as an apostolic institution. * * * Of bishops and church hierarchy I very well allow, and likewise of ranks and degrees amongst bishops. Patriarchs, I know, were in the time of the primitive church (and I likewise reverence that institution for order sake); and amongst them was a contention for the first place. And, for myself, if that were yet the question, *I would, with all my heart, give my consent that the bishop of Rome should have the first seat. I, being a western king, would go with the patriarch of the west.* And for his temporal principality over the seignory of Rome, I do not quarrel with it neither. Let him, in God's name, be *primus episcopus inter omnes episcopos*, and *princeps episcoporum*, so it be no otherwise than as St. Peter was *princeps apostolorum*" (pp. 45, 46). These opinions, he says, he had adopted and avowed "six years before his coming into England" (p. 45): while his friends and courtiers had diligently circulated the report, that, "albeit for his religion, he could be no other than as he had been brought up and instructed, yet was he averse from all severity of persecution against such as were of different religion, especially catholic; granting it to be the ancient mother religion of all the rest, though in some things now amiss" (Gerard's MS. Account of the Plot, c. ii. 23).

2°. His attachment to those, who had suffered in the cause of his mother, had been publicly recorded by himself, among his instructions to his son. In his "Basilikon Doron," a work addressed to the young prince, he had referred to the experience of his own life, had declared that the followers of his persecuted mother had ever been the most faithful of his own servants, and had consequently enjoined his son so to profit by the example, as to secure the attachment of those, who had proved their fidelity to his parents. "To this effect," says Gerard, "his majesty delivered his mind unto his son, and therewith great and comfortable hopes unto all catholics, that they, who had been true lovers and followers of his mother, should find favour; and that such, as had either done or suffered greatly in her service, should find an answerable requital and advancement" (MS. c. ii. p. 22). Gerard afterwards adds that his own brother, sir Thomas, "going to meet the king at his coming into England, his majesty told him before divers that 'he must love his blood, for that he and his had suffered persecution for him'" (Ibid. p. 27).

3°. To these grounds of anticipation may be added the more direct assurances, given by James to various individuals. Such assurances, writes Gerard, "are said to have been sent by particular ambassages and letters from his majesty unto other princes, giving hope, at least, of toleration to catholics in England;

incapable to make good his word; whether Cecil really spoke the king's pleasure, or only made use of that stratagem to exasperate the catholics upon a disappointment, I leave to politicians to speculate upon the matter. But, let this be as you will, if king James was

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of which letters divers were translated this year into French, and came so into England" (Ib. 23). With the promises made to Watson the reader is already acquainted (Appendix, No. I.): but, besides Watson, others also hastened, on the death of Elizabeth, to present themselves before their new sovereign; and each, in turn, received from him the assurance of his protection for the catholic body. "At that time, and to those persons," says Gerard, "it is certain he did promise that catholics should not only be quiet from any molestations, but should also enjoy such liberty, in their houses privately, as themselves would desire, and have both priests and sacraments, with full toleration and desired quiet" (MS. 23. See also Appendix, No. VII.). "When Percy," says the earl of Northumberland, "came out of Scotland from the king (his lordship having written to the king, where his advice was, to give good hopes to the catholics, that he might the more easily, without impediment, come to the crown) * * * , he said that the king's pleasure was, that his lordship should give the catholics hopes that they should be well dealt withal, or to that effect" (Answer to Interrogatories put to the earl of Northumberland, Nov. 23, 1605. Orig. in the State Paper Office). It is true that James afterwards denied the truth of Percy's statement to the earl: but James was too much in the habit of denying what it was inconvenient to acknowledge; and, in the present instance, there is no reason to believe that he was more than usually honest.

4°. The conversation with sir Thomas Tresham, which is alluded to by Dodd, is recorded in "the Petition Apologetical of the Lay Catholics of England," and described by bishop Challoner, in his "Missionary Priests" (ii. 1, 2), and by Mr. Jardine, in his narrative of the Gunpowder Plot (Crim. Trials, ii. 19). It was on the fifth of April, 1603, that James set forth from his native country, to take possession of the English throne. By his new subjects he was received with every demonstration of attachment; by the catholics, in particular, with congratulations on his accession, and assurances of their unbounded confidence in his goodness. To remind him, however, of his promises, they addressed to him a petition for toleration. They spoke of their sufferings in his cause: they alluded to their zeal in maintaining his title to the crown; and, while they asked only for "the free use of their religion in private houses," they offered to him, in return, "as loyal obedience and as immaculate allegiance, as ever did faithful subjects, in England or Scotland, to his highness' progenitors" (See Appendix No. VIII.). The answer to this address seems to have been returned in the following July. In that month, Tresham, with a large body of distinguished catholics, was summoned by the royal command to Hampton Court. The parties were received by the lords of the council with every mark of respect. They had been sent for, it was said, to be made acquainted with the royal purpose. It was the king's intention "henceforth to exonerate" the English catholics from the fine of £20 a month, imposed, by the statute of Elizabeth, as the penalty of recusancy; and it was further resolved that "they should enjoy this grace and relaxation, so long as they kept themselves upright in all civil and true carriage towards his majesty and the state, without contempt." Tresham and his friends objected, that "recusancy alone might be held for an act of contempt:" but the lords hastened to remove their apprehensions on this head, and, assuring them "that his majesty would not account recusancy for contempt," desired them to communicate the king's gracious intentions to their brethren" (cap. 1.).—Yet, only seven months later, James could descend to vindicate himself from the charge of having promised a toleration, and could solemnly assure his council, "that he never had any such intention"! Winwood, ii. 49.—*T.*]

ever disposed to be a friend to the catholic cause, he found it necessary to alter his measures; and though he endeavoured to cover himself, in the famous speech he made in parliament, soon after his accession to the crown, by making a distinction between persons and principles, and pretending to be a friend to one, but an enemy to the other, yet the discerning part of mankind cannot be imposed upon by such captious subtleties. An honest man will always act by principle: and if a person's principles are unsound, either we must suppose he will act according to his principles, or that he is entirely a man without any principles:—in both which cases his person ought to be as contemptible as his religion.

From this disappointment, either real or imaginary, a great discontent arose among several of the catholic gentlemen, who, by degrees, talked themselves into an humour of giving some disturbance to the government, when a fit opportunity should offer itself: though, at the same time, they had nothing in view, to answer the project of a revolution; but, like persons intoxicated with strong liquor, seemed resolved to fall foul upon every one they met with.[1] In these dispositions, they

[1] [It is only just, however, to remark that the disappointment, here alluded to by Dodd, was embittered by the anticipation, almost by the certainty, of new and encreased severities. Whatever were the private feelings of James, his advisers were too sanguinary to spare, his own resolution too weak to protect, the catholics. Before a month had elapsed from the period of his arrival in London, his expressions and his conversation had already begun to spread alarm among the body. Each day brought fresh intelligence of his hostile resolutions. Beaumont, the French ambassador, heard him denounce the pope as "the true antichrist" (apud Jard. ii. 21): Watson had been insultingly told by him that the papists were no longer necessary to his advancement: whilst Coke, the attorney-general, publicly declared, on his authority, that "the eyes of the catholics should sooner fall out, than they should ever see a toleration" (Howell, ii. 5). The reader will recollect the bitter denunciations, described in the letter to the bishop of Norwich (page 21, note, ante). Those denunciations were uttered by James in a council held on Sunday, the nineteenth of February, 1604. On the following Thursday, he sent for the recorder, and, having denied his intention of granting a permanent toleration, ordered him to inform the citizens that, at his accession, he had been induced to mitigate the fines of the recusant catholics; that, as "not one of them had lifted up his hand against him, at his coming in," he had given them "a year of probation to conform themselves;" but that, "seeing it had not wrought that effect, he had now fortified all the laws that were against them, and commanded they should be put in execution to the uttermost" (Winwood, ii. 49). In accordance with this proceeding, the proclamation already referred to (p. 9, ante), enjoining the banishment of the catholic missionaries, was immediately published. At the

waited for a time that would give vent to those floods of resentment, confined for a long time within their

same time, the gentlemen of the several counties, assembled in the star-chamber, were admonished by the chancellor to be vigilant in the pursuit of all recusants: the judges were urged to proceed with encreased severity against them; and the bishops were charged to exert their authority in their respective dioceses, and to give effect to his majesty's determination. Orders were then issued for enforcing the statutes of recusancy. The usual fine of twenty pounds for every lunar month was again demanded; and, as if to show that the leniency of the past was intended only to encrease the severity of the present, the demand was extended to the whole period since the arrival of James, during which the penalties had, in a great measure, ceased to be exacted. By this means, numerous families of moderate incomes were suddenly reduced to a state of beggary: others, with larger property, found themselves involved in difficulties scarcely preferable to ruin; whilst, in most instances, all the goods and two-thirds of the real estate of the unfortunate sufferers were surrendered, under the statute of Elizabeth, for the purpose of satisfying this iniquitous claim (Gerard's MS. 34, 35). Nor were insult and indignity wanting, to complete the outrage of this proceeding. Before the arrival of James, a suggestion had been hazarded, that the dream of Pharaoh was about to be realized, and that the riches of the land would be devoured by the hungry dependants of the new monarch. It was ordained that the prediction should be verified. Those dependants came, men needy in their fortunes, prodigal in their habits, and importunate in their demands. To satisfy their wants various expedients were adopted: but their extravagance generally kept pace with the liberality of their master; and their clamours seldom failed to grow loud, as his means of supply became diminished. At length a new method of providing for their necessities was devised. Each person was ordered to search out as many catholics as possible, and to select from the more opulent those who were most likely to answer his purpose. The king, in his bounty, then "bestowed" these persons upon him. He made over to him whatever claims the crown possessed, or might afterwards possess, on them for the fines of recusancy; and authorised him either to proceed at law for the recovery of the penalties, or to accept a grant of money, by way of composition for the amount. Alluding to the feelings produced by the merciless exactions of these adventurers, the French ambassador says that the catholics were "driven to despair" (apud Jard. ii. 23): Gerard tells us that it was "both grievous and odious, that true and free-born subjects should be given, as it were, in prey to others;" and he adds that, as "the sequel of this matter appertaineth to many, the exasperation also rising thereof must needs be very general" (MS. 35, 36).

In the mean time, the legislature was preparing to lend its sanction to the violence of these proceedings. On the twenty-fourth of April, a bill, classing catholics with forgers, perjurers, and outlaws, and disabling them from sitting in parliament, was introduced in the lower house. On the twenty-sixth, it was read a second time and committed; but, two days later, it was superseded by a more general measure, and, before the end of the session, another statute was added to the penal enactments already in existence (Journals, of commons, i. 183, 185; of lords, ii. 328, 341). It was entitled "An Act for the due execution of the statutes against jesuits, seminary priests, and recusants." Having ordered the laws, framed during the late reign, to be rigidly enforced, it proceeded to strengthen their provisions with clauses of additional severity. All persons already studying or residing in any college or seminary beyond the sea, and not returning and conforming within one year from the termination of the present session of parliament, all persons repairing, in future, to any place of education abroad, or resorting to any house out of the king's dominions, for the purpose of being instructed in the popish religion, were alike rendered incapable of inheriting, or purchasing, or enjoying any lands, annuities, chattels,

breasts, and which broke out upon the discovery of the Gunpowder plot, the contrivance of half-a-dozen persons

legacies, or sums of money within the realm: all owners and masters of vessels presuming to convey any female or minor out of the country without license, were ordered to be punished, the owners with the loss of their vessels, the masters with the forfeiture of their goods, and imprisonment for twelve months: and, lest the education, which was thus forbidden to the sufferers abroad, should be supplied to them at home, a further clause was added, providing that, if any person, not specially licensed by the ordinary, should venture to act as tutor in the house of a recusant, both himself and his employer should be amerced in the sum of forty shillings, for every day during which he so continued to offend (see Appendix, No. IX.). On the third reading of this bill in the house of lords, the viscount Montague rose in his place, and, in a speech of considerable force, boldly denounced the principle of the measure. Let them, he said, contrast the novelty of their own creed with the antiquity of that, which they were endeavouring to suppress: let them reflect on the evil life and unsound opinions of those, by whom they had been seduced from the religion of their fathers; and then let them, by arresting the progress of the present bill, manifest that favourable consideration for the recusants, to which their principles and their conduct so justly entitled them. On the following day, Montague, for his "scandalous and offensive speech," was committed to the Fleet (Lords' Journ. ii. 328, 329).

On the seventh of July, 1604, the parliament was prorogued: in August, the treaty of peace with Spain was ratified; and James, who to the solicitations of the Spanish commissioner, in behalf of the catholics, had returned a peremptory refusal, proceeded at once to let loose the whole fury of the persecution (Gerard's MS. 62; Eudæmon Joannes, 238; Lingard, ix. 37). It was in vain that the catholics had addressed him in a petition, recounting their services both to himself and to his mother, and reminding him of the assurances which he had given to them of toleration and protection. It was in vain that they had appealed to the general loyalty of their character, to their patience under the persecutions of the last reign, and to the patriotism with which, on the appearance of the armada, they had offered to fight "in the foremost ranks of the battle," against the invaders of their country (Petition Apologetical, presented to the king by the lay catholics of England, in July 1604: it is analysed by Mr. Butler, Mem. of Eng. Cath. ii. 84—87, third edition). Both this and another petition, renouncing all temporal authority but that of the king, and offering to gage "life for life" for the fidelity of their clergy, were treated with disregard (See Appendix, No. X.). On the fourteenth of August, a new proclamation was published, admonishing the judges and magistrates to be rigorous in enforcing the penal laws (More, 306, 307). A few weeks later, a commission was appointed, for the banishment of the catholic missionaries (see Appendix, No. XI.); while a canon, framed by the convocation which had just separated, commanded every officiating clergyman, under pain of suspension, to make a return of the names of all recusants above the age of thirteen years, residing within his parish (Canon cxiv. It will be found in the Appendix, No. XII.). Courts were then ordered to be held every six weeks, to receive informations, and to pronounce on the guilt of the accused. The usual fines were levied with redoubled rigour. The rich were impoverished, the poor were imprisoned, the middle classes saw their goods sold, their leases seized, their cattle driven away (Gerard's MS. 35, 62, 63); while the clergy, and those who ventured to relieve them, again abandoned to the mercy of the pursuivants, were again doomed to witness the revival of all the sanguinary horrors of the preceding reign. So early as July the sixteenth, only nine days after the rising of parliament, Sugar, a priest, and Grissold, a layman, the former for his clerical character, the latter for "accompanying and assisting"

of desperate fortunes, who, by that means, brought an odium upon the body of catholics, who have ever since

him, were executed at Warwick (Challoner, ii. 4—12). In September, another layman named Bailey, for an offence similar to that of Grissold, shared the same fate at Lancaster (Ib. 12): twenty-one priests and three laics were taken from different prisons, and shipped off into perpetual banishment (see their letter to the lords of the council, in the Appendix, No. XIII.); and if Pound, an aged gentleman, who ventured to complain to the king of an illegal judgment passed upon a catholic neighbour, escaped with his life, it was only to receive a sentence of cruelty and ignominy, disgraceful alike to the government and to the age. "This last star-chamber day," says More, writing to Winwood on the second of December, "was determined the case of one Pound, a gentleman who accused serjeant Philips of injustice, for *condemning to death a neighbour of his, only for entertaining a jesuit.* The lords, by their sentence, declared the condemnation to be lawful, condemned Pound to lose one of his ears here in London, and the other in the country where he dwelleth, to fine £1000, and to endure perpetual imprisonment, if he impeach not those that advised him to commence his suit; and, if he would confess, this sentence should be revoked, and their lordships would otherwise determine, according to reason (Winwood, ii. 36). Intercession, however, was afterwards made for the unfortunate offender. The imprisonment was remitted; and, instead of losing his ears, he was ordered to stand in the pillory, one day at Lancaster, and another in Westminster (Eudæmon Joannes, 238; Rushton Papers, apud Jardine, ii. 38).

Thus closed the year 1604 upon the professors of the ancient creed. It was in February, "about the beginning of Lent" (Winter's Confession, in Gunpowder Treason, 47), that Catesby, stung with disappointment, and enraged at the denunciations put forth by James against the catholics, had conceived the atrocious design, which forms the subject of the present article. In the proceedings which I have described, there was little to mitigate his resentment, or to remove the deadly purpose of his mind: in those which followed, there was every thing to inflame his passions, to stimulate his revenge, and to blind him with the assurance that, when the great blow should have been struck, he should at once command the applause and the assistance of those, whose sufferings it was his object to relieve. The new year, in fact, opened with all the saddening gloom and stormy indications, that had marked the close of its predecessor. In a letter written on the twentieth of February, 1605, sir Dudley Carleton says, "the sword now begins to cut on the other edge, and to fall heavily on the papists' side, *whereof there were twenty-eight indicted at the last sessions at Newgate*" (Winwood, ii. 48). In the following month, Bancroft, who had lately been translated from London to the archiepiscopal chair, addressed his suffragans in a long and earnest admonition, complaining of their remissness in prosecuting the catholic missionaries, and prescribing, at the suggestion of the chancellor, a new method of proceeding against the obstinacy of the lay recusants. Without waiting for the returns, to be made by the clergy in conformity with the canon already mentioned, they were themselves to ascertain the names and characters of the principal catholics in their respective dioceses, and, having selected from amongst these a certain number of the more opulent and zealous, were to proceed, in the first instance, to invite them to conform. If the invitation were rejected, they were at once to excommunicate the offenders: at the end of forty days, they were to certify their names into the chancery; and then, in conjunction with the metropolitan, they were to sue out a writ *de excommunicato capiendo*, a measure which, operating like a sentence of outlawry, subjected the sufferers to forfeiture and imprisonment, placed them out of the king's protection, and rendered them incapable of recovering debts or rents, of suing for damages, of effecting sales or purchases, or of conveying their pro-

laboured under the weight of the calumny, though no ways concerned.

Now, as for the particulars of this horrid design, I find them thus recorded by our historians. They tell us, Mr. Catesby was the first contriver of the plot for blowing up the parliament house; which, for a considerable time, he kept to himself, till he could meet with
1604 associates as desperate as himself, to engage in it.[1]
Feb. At length, he found those that were fit for his purpose, viz. Thomas Percy, Guy Faukes, Thomas Winter, Robert Keyes, and Thomas Bates. To these he communicated his design; who approved of it, and, as it is said, mutually joined in an oath of secrecy.[2] Now, the

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perty either by will or otherwise (Gerard's MS. 43. See Appendix, No. XIV.). Nor was this all. As if the execution of the laws were still uncertain, the judges, before their departure for the circuits, were again assembled by the king: again they were "charged to be diligent and severe against recusants;" and again the scaffolds flowed with the blood of victims, whose only crime was that of having exhorted their neighbours to embrace the faith of their ancestors (Winwood, ii. 77; Gerard's MS. 44, 45; Challoner, ii. 12, 13). In the meantime, the fines of recusancy continued to be levied with increasing rigour: indictment succeeded to indictment, and forfeiture to forfeiture: nocturnal searches for priests were again resumed, with all their train of outrages and insults described in the preceding volume (103, 119, &c.): while the denunciations of the chancellor in the star-chamber (June 20), and of the primate at Paul's Cross (Aug. 5) confirmed the rumour of still severer measures, to be adopted in the ensuing parliament, and filled the minds of the catholics with indignation and dismay (Winwood, ii. 95; Gerard's MS. 44, 45; Late Commotion of certain Papists in Herefordsh. See also Appendix, No. XV.).—Such was the state of this persecuted body, during the two years immediately preceding the discovery of Catesby's treason. Is it surprising that such sufferings should have goaded men to desperation? or that, deceived, oppressed, and proscribed in their own land, some reckless enthusiasts should have been found to join in any scheme, however wicked, that promised to work vengeance and relief together?—*T.*]

1 [Catesby, however, appears to have borrowed his idea of the plot from other similar schemes of vengeance, which had preceded it. "There be recounted in histories," says Persons, "many attempts of the same kind, and some also by protestants, in our days;—as that of them, who in Antwerp placed a whole bark of powder in the vaulted great street of that city, where the prince of Parma, with his nobility, was to pass; and that of him in Hague, that would have blown up the whole council of Holland, upon private revenge; as also that of Edinburgh in Scotland, where the like train of powder was laid for the cruel murder of his majesty's father" (Discussion of Barlowe's Answer, 14, 15). Speaking of the last of these instances, and comparing it with Catesby's treason, Whitaker says, "the Scotch was plainly the parent, and the English the child. 'Improbus ille puer, crudelis tu quoque mater'." Vindication, iii. 299.—*T.*]

2 [Keyes was not associated to the conspirators, until August, Bates until December following (Examination of Keyes, Nov. 30, of Bates Dec. 4, 1605,

manner of carrying on the contrivance was this: Percy, being well acquainted at court, where he enjoyed a

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in the State Paper Office; Winter's Confession, in Gunpowd. Treason, 52). The first two persons, to whom Catesby revealed his design, were John Wright and Thomas Winter. It was about the end of February, 1604, that the latter, at the earnest and repeated solicitation of Catesby, came up to London from Huddington, the seat of his brother, in Worcestershire, where he had been staying for some months. On his arrival, he found Catesby and Wright together at Lambeth. Catesby at once opened his mind to him, informed him of the scheme which he had devised for "delivering the catholics from their bonds," and concluded by asking "if he would give his consent." For a moment, Winter hesitated: presently, he yielded to the urgency of his friend; but, as a last effort to obtain relief without resorting to violence, undertook, in the first instance, to proceed to Flanders, and there solicit the mediation of the Spanish envoy, who was about to negotiate a peace with the British crown. Unfortunately, the mission failed; and Winter, in company with Guy Faukes, whom he met at Ostend, returned, about the middle of April, to England. Before the end of the month, Percy arrived in London, and was introduced to the others, at Catesby's lodgings at Lambeth. Catesby briefly explained to him that something was in agitation for the relief of the catholics: but he spoke only in general terms, and proposed that, before the particulars were disclosed, all should be sworn to keep secret the designs of the conspirators. Accordingly, a few days later, Catesby, Thomas Winter, John Wright, Faukes, and Percy assembled at a house in the fields, in the neighbourhood of St. Clement's: an oath was drawn up and taken; and each party swore, "by the Blessed Trinity and by the oath which they purposed to receive," neither to reveal what was about to be disclosed to them, nor to abandon the design without the consent of their companions. In confirmation of their oath, they then proceeded to receive the sacrament; and Catesby immediately disclosed to Percy, Winter and John Wright to Faukes, the nature of the plot (Winter's Confession in Gunpowd. Treason, 46—51).

The person, at whose hands they received the sacrament, was father Gerard, a jesuit, who, in consequence of the part which he performed on this occasion, was afterwards charged by the government with having assisted in the contrivance of the plot. The evidence, however, of the very parties, Winter and Faukes, by whom the fact itself was revealed, distinctly acquits him of all knowledge of the oath, and of all acquaintance with the intentions of the parties to whom he administered the communion. Winter says,—"There we met, behind St. Clement's, Mr. Catesby, Mr. Percy, Mr. Wright, Mr. Guy Faukes, and myself; and having, upon a primer, given each other the oath of secrecy, in a chamber *where no other body was*, we went after into the next room, and heard mass, and received the blessed sacrament upon the same" (Winter's Confession, 51). Faukes speaks even more plainly:—"They five" (the parties named by Winter) "did meet at a house in the fields behind St. Clement's Inn, where they did confer and agree upon the plot they meant to undertake and put in execution; and there they took a solemn oath and vow by all their force and power to execute the same; and of secrecy not to reveal any of their fellows, but to such as should be thought fit persons to enter into that action: and, in the same house, they did receive the sacrament of Gerard, the jesuit, to perform their vow and [oath] of secrecy as aforesaid; *but he saith that Gerard was not acquainted with their purpose.*" See the Examination of Faukes, Nov. 9, 1605, in the State Paper Office. This examination Coke professed to read at the trial of the conspirators: but he thought it advisable to omit the part which I have printed in italics, and, accordingly, we find, in the original, that the pas-

May 24. place, and upon this account was less suspected, hired lodgings near the parliament house, whereby the conspirators had the convenience of digging for a subterraneous passage. They laboured at this work for some months, till, meeting with a very thick wall, which had a deep foundation, the work became tedious, 1605 and obliged them to desist. Meanwhile, Mr. Mar. 25. Percy informed himself of a cellar directly under the parliament house, which he immediately hired, as he gave out, in order to fill it with fuel for a winter's provision. The care thereof was committed to Guy Faukes, who took the name of John Johnson, and passed for Mr. Percy's servant.[1]

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sage is scored with red ink, and that before it, in the margin, are written, in his own hand, the words "*huc usque.*"—It is not improbable that the scene of the transaction was one of the houses, to which the catholics were in the habit of resorting for religious purposes; that the conspirators knew that Gerard was about to celebrate mass there; and that, with this knowledge, they availed themselves of the place and the occasion, to complete and ratify their plans.—To show, however, how very little reliance can be placed on the asseverations of Gerard, when employed in his own vindication, it is only right to observe that, referring to this transaction in his manuscript narrative, he first boldly, and very properly, asserts, on the authority of Winter's confession, that the priest, who administered the sacrament, was not privy to the designs of the conspirators; and then, ignorant of Faukes's declaration, which had not been published, and supposing that his own name had not transpired, as that of the clergyman who officiated on the occasion, he recurs at once to the artifice, which I have elsewhere noticed (Appendix, p. lii. note), of substituting a third person as the narrator, and solemnly protests, on his salvation, that he knows not the priest from whom Catesby and his associates received the communion!—"*Yet who that priest was I have heard father Gerard protest, upon his soul and salvation, that he doth not know.*" MS. c. xii. p. 192. See also Eudæmon Johannes, 284.—*T.*]

[1] [The "lodgings," mentioned in this passage, were a house immediately adjoining the parliament house, and held by a person named Ferris, as tenant to Wyniard, the keeper of the royal wardrobe. The original deed of agreement between Percy and Ferris, which is still preserved in the State Paper Office, is dated May 24, 1604; but it does not appear that the mine had been commenced, when the parliament was prorogued in July. The announcement of that event was followed by the separation of the conspirators, who, as seven months were to elapse before the houses would again assemble, retired to their respective homes in the country, with an agreement to return to London at the beginning of November. When that period arrived, it was found that the commissioners for a proposed union between England and Scotland were about to hold their meetings in the house taken by Percy. For a month, Catesby and his companions were kept out of the premises by this circumstance; and hence it was not until the eleventh of December that they were ready to commence their operations. At length, however, the mine was opened; the rubbish, removed during the day, was concealed at night under the soil of the garden; and, by Christmas, a passage had been securely made, up to the wall of the parliament house. In the meantime, Faukes had been appointed to keep watch without,

Hitherto the contrivance was kept a secret among the persons above-mentioned.[1] Yet they had scattered

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while his associates laboured within. He now announced that the parliament, which was to have assembled on the seventh of February, was further prorogued to the third of October; and the conspirators, availing themselves of the opportunity afforded to them by this prolonged interval, immediately separated, to spend the holidays with their respective families. At the end of January, their labours were resumed: but, first, the influx of water, afterwards the solidity of the foundation, which was three yards thick, retarded their progress; and, when Easter arrived, the task of perforating the wall was still incomplete. At this moment, an accidental noise, almost immediately over their heads, first acquainted them with the existence of the cellar mentioned by Dodd. On enquiry, they found that the latter was situated exactly under the house of lords, and that, in the course of a few days, it would be vacated by its present tenant, a person named Bright, who was already removing. This intelligence seemed to promise the accomplishment of all their wishes. The original plan of proceeding was now laid aside: the operations in the mine were abandoned; and Faukes, in the name of his supposed master, Percy, immediately proceeded to hire the cellar. Winter's Confession, 51—55; Gerard's MS. 63, 64, 71, 72.—*T.*]

[1] [This is incorrect, whether as regards Dodd's own inaccurate enumeration of the original conspirators, or the real list which I have supplied in a preceding note. I have already remarked that to the five persons present, when Gerard administered the sacrament, Keyes and Bates were afterwards added, the former in August, the latter in December, 1604. At Christmas, the operations in the mine were suspended: but, before the party separated, it was determined that Catesby and Percy, to enable them to meet the expenses attendant on the prosecution of their design, should be authorised, with consent of any third member of the company, to impart the secret to such persons as might be willing to further the undertaking. In consequence of this, Robert, the brother of Thomas Winter, and John Grant, of Norbrook near Warwick, were, in January, 1605, requested to meet Catesby at the Catherine Wheel, in Oxford. Here the oath of secrecy was administered to them: the particulars of the plot were disclosed; and they were formally admitted into the number of the confederates (Examinations of Robert and Thomas Winter, Jan. 17, 1606, in the State Paper Office). In the following month, Christopher, the brother of John Wright, was, in a similar manner, associated to the conspirators. Having taken the oath and received the sacrament, he was made acquainted with the plans of the party, and was immediately summoned to lend his aid in advancing the operations in the mine (Winter's Confession, 55; Gerard's MS. 71, 72).

It is not to be imagined that these accessions to their numbers were made without difficulty, or that the consciences even of the original conspirators were entirely satisfied as to the lawfulness of the enterprise in which they were engaged. For some time, indeed, the scruples of his associates had been a constant source of anxiety and alarm to Catesby. It was in vain that he had endeavoured to satisfy their doubts, by references to their own sufferings, and appeals to the duty of resistance. Still, their misgivings continued. The vengeance, which they were about to perpetrate, would involve their friends as well as their enemies, the innocent no less than the guilty. They could not persuade themselves that they were allowed to embrue their hands in indiscriminate slaughter: and, when at length they separated, at Christmas, it was with the understanding that, without revealing the existence of the plot, each should avail himself of the opportunity afforded by the recess, to seek the opinion of his spiritual director. Of the consultations which ensued, Catesby's alone has

a report privately, among several catholics, that something was in agitation in their favour; and people of

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been preserved. That conspirator hastened to present himself to Garnet: he engaged the jesuit in conversation; and, having drawn from him an opinion on a supposed, but not analogous, case, he proceeded at once to reassure his companions with a report of the conversation that had passed. From this moment, their doubts appear to have vanished. Each new associate was told of the necessity of some vigorous effort; and each was taught to believe that the design had been formally approved.—I will subjoin Gerard's account of Catesby's conversation with Garnet. Having mentioned the separation of the conspirators, at Chrismas, he thus proceeds:—

"Then the chiefest of them took the present commodity offered, by meeting with learned priests, that holy time, and meant to inform themselves of such doubts as were risen, concerning the lawfulness of the business they had in hand: and, having a great opinion of the learning and virtue of the fathers of the society, Mr. Catesby desired to get, by cunning means, the judgment of their superior, so as he should never perceive to what end the question were asked. Therefore coming to father Garnet, after much ordinary talk, and some time past over after his arrival, one time he took occasion, upon some speech proposed about the wars in the low countries, or such like, to ask how far it might be lawful for the party, that hath the just quarrel, to proceed in sacking or destroying a town of the enemy's, or fortress, when it is holden against them by strong hands. The father answered, that, in a just war, it was lawful, for those that had right to wage battle against the enemies of their commonwealth, to authorise their captains or soldiers, as their officers, to annoy or destroy any town that is unjustly holden against them; and that such is the common doctrine of all divines; in respect that every commonwealth must, by the law of nature, be sufficient for itself, and, therefore, as well able to repel injuries, as to provide necessaries. * * * * Unto which Mr. Catesby answering that all this seemed to be plain in common reason, and the same also practised by all well governed commonwealths that ever have been, were they never so pious or devout: 'But,' said he, 'some put the greatest difficulty in the sackage of towns, and overthrowing and drowning of forts (which, in the Low Countries, and in all wars, is endeavoured, when the fort cannot otherwise be surprised, and the same of great importance to be taken), how then those, who have right to make the war, may justify that destruction of the town or fort, wherein there be many innocents and young children, and some, perhaps, unchristened, which must needs perish withal.' Unto this the father answered that, indeed, therein was the greatest difficulty, and that it was a thing could never be lawful in itself, to kill an innocent; for that the reason ceaseth in them, for which the pain of death may be inflicted by authority. * * * 'But,' said Mr. Catesby, 'that is done ordinarily in the destruction of those forts I speak of.' 'It is true,' said the father; 'it is there permitted, because it cannot be avoided, but is done as *per accidens*, and not as a thing intended by or for itself; and so it is not unlawful. As if we were shot into the arm with a poisoned bullet, so that we could not escape with life, unless we cut off our arm, then, *per accidens*, we cut off our hand and fingers also, which were sound, and yet, being, at that time of danger, inseparably joined to the arm, lawful to be cut off. And such was the case of the town of Gabaa, and the other towns of the tribe of Benjamin, wherein many were destroyed that had not offended.' With which Mr. Catesby, seeming fully satisfied, brake presently into other talk; the father, at that time, little imagining whereat he aimed; though afterwards, when the matter was known, he told some friends what had passed between Mr. Catesby and him, about this matter, and that he little suspected then he would so have applied the general

that communion began to entertain thoughts, that, in a little time, they should be made easy; though they neither knew when, nor by what means, it was to be effected. It appeared, indeed, afterwards, that some few were let further into the secret (though never acquainted with the blackest part of the design), and had received private orders from Percy, to be up in arms the sixth of November, 1605, which was the day after the plot was discovered. The only persons, to whom these orders were directed, were sir Everard Digby, Mr. Francis Tresham, Mr. John Grant, Mr. Ambrose Rookwood, Mr. Robert Winter, two Mr. Wrights, John and Christopher.[1] About ten days before the parliament was to meet, which was on the fifth of Novem- Oct. 26.

doctrine of divines to the practice of a private and so perilous a case, without expressing all the particulars. Now Mr. Catesby, having found as much as he thought needful for his purpose, related the same unto the rest of the conspirators; and all were animated in their proceedings, without any further scruple, for a long time; but applied all, by their own divinity, unto their own case." Gerard's MS. c. v. 65—69.—*T.*]

[1] [That the parties here mentioned were "never acquainted with the blackest part of the design," is contrary to the fact. Of Grant, Winter, and the Wrights, I have already spoken: of Digby, Tresham, and Rookwood it may be confidently said that all the evidence, as well as their own acknowledgments, equally prove them to have been privy to the whole of the plot. Thus Tresham, in his voluntary declaration, dated on the thirteenth of November, 1605, confesses "that he was informed of the plot by Catesby, about the fourteenth of October" (Orig. in the State Paper Office). Rookwood, in his examination taken on the second of December, says more fully,—"Catesby, at this examinate's lodging, at the sign of the Duck in St. Clement's parish, about ten weeks past, told this examinate, for the ancient love that he had borne unto him, that he would impart some matter of importance unto him: but first, in the presence of Catesby, Thomas Winter, and John Wright, Thomas Winter ministered an oath of secrecy unto him upon a primer. And then Catesby, in the presence and hearing of Winter and Wright, imparted unto him the plot of blowing up of the king and the parliament-house with powder" (Orig. in the State Paper Office). Digby, in his examination of the twentieth of November, 1605, dates the period of his connexion with the conspirators at the preceding Michaelmas (State Paper Office): and, in one of his letters to his wife, mentions several particulars, which not only describe the plans of the associates, but also demonstrate his own acquaintance with the details of the plot. "The [sorrow?] I take," he says, "at the uncharitable taking of these matters, will make me say more than ever I thought to have done. For, if this design had taken place, there could have been no doubt of other success; for, that night, before any other could have brought the news, we should have known it by Mr. Catesby, who should have proclaimed the heir-apparent at Charing Cross, as he came out of town: to which purpose there was a proclamation drawn. If the duke had not been in the house, then was there a certain way laid for the possessing him; but, in regard of the assurance they (*he*) should have been there, therefore

ber,[1] a letter from an unknown hand was delivered to lord Mounteagle, a catholic, admonishing him to be absent from parliament on the day of their first meeting; for that a sudden judgment would fall upon the nation by an invisible hand, or to that purpose.[2] The confused-

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the greatest of our business stood in the possessing the lady Elizabeth, who lying within eight miles of Dunchurch, we would easily have surprised [her], before the knowledge of any doubt. This was the cause of my being there. If she had been in Rutland, then Stokes was near, and, in either place, we had taken sufficient order to have possessed her. There was also courses taken for the satisfying the people, if the first had taken effect; as the speedy notice of liberty and freedom from all manner of slavery, as the ceasing of wardships and all monopolies, which with change would have been more plausible to the people, if the first had been, than it is now. There was also a course taken, to have given present notice to all princes, and to associate them with an oath, answerable to the League in France. I have not uttered any of these things, nor ever thought to do. For my going from Dunchurch" (he alludes to the flight from Dunchurch to Norbrook, and thence to Holbeach, as soon as the discovery of the plot was known) "I had this reason:—first, I knew that Faukes could reveal me; for I must make choice of two besides Mr. Catesby, which I did of him and Mr. Winter,—I knew he had been employed in great matters, and, till torture, sure he carried it very well: secondly, we all thought, if we could procure Mr. Talbot to rise, that party at least to a composition that was not little; because we had in our company his son-in-law" (Robert Winter), "who gave us some hope of, and did not much doubt, it. I do answer your speech with Mr. Brown thus:—Before that I knew anything of this plot, I did ask Mr. Farmer" (Garnet) "what the meaning of the pope's breve was. He told me that they were not (meaning priests) to undertake or procure stirs; but yet they would not hinder any (neither was it the pope's mind they should) that should be undertaken for catholic good. I did never utter thus much, nor would not but to you; and this answer, with Mr. Catesby's proceedings with him and me, gave me absolute belief that the matter in general was approved, though every particular was not known. I dare not take that course that I could, to make it appear less odious; for divers were to have been brought out of the danger, which now would rather hurt them than otherwise. I do not think there would have been three worth saving, that should have been lost. You may guess that I had some friends that were in danger, which I had prevented; but they shall never know it." Apud Gunpowder Treason, 249--251.—*T.*]

[1] [It had been again prorogued from the third of October to this day.—*T.*]

[2] [The letter, which is still preserved in the State Paper Office, reached Mounteagle, whilst he was at supper, not in his usual residence in town, but in a house which he seldom occupied at Hoxton. It was delivered to him by one of his pages, who had himself received it from a stranger in the street, whose features he was unable to distinguish in the dark. Mounteagle opened it: but, finding that it bore neither date nor signature, he immediately handed it to one of his gentlemen attendants, named Thomas Ward, and desired him to read it. I subjoin a copy:—

"my lord out of the love i beare to some of youer frends i have a caer of youer preservacion therefor i would advyse yowe as yowe tender youer lyf to devyse some exscuse to shift of youer attendance at this parleament for god and man hathe concurred to punishe the wickednes of this tyme and thinke not slightlye of this advertisment but retyere youre self into youre contri wheare

ness of style, with the ambiguity of the expressions, both startled and puzzled his lordship: wherefore, having made secretary Cecil acquainted with it, and the letter being canvassed several days before the king and council, they at length found out the sense and true meaning of it, viz., that the suddenness of the stratagem spoke gunpowder; and by the *nation* must be understood the *parliament*.[1] Upon this surmise, sir

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yowe maye expect the event in safti for thowghe theare be no apparance of anni stir yet i saye they shall receyve a terrible blowe this parleament and yet they shall not seie who hurts them this council is not to be contemned because it maye do yowe good and can do yowe no harme for the dangere is passed as soon as yowe have burnt the letter and i hope God will give yowe the grace to mak good use of it to whose holy protection I commend yowe."—*T.*]

[1] [From the preceding note, the reader will have seen that the word "*nation*," which Dodd represents the council as translating "*parliament*," never once occurs in the letter. James was at Royston, when that document was placed by Mounteagle in the hands of the secretary. By the latter it was shown to some other members of the council: but it was unanimously resolved that no steps should be taken, until the king had been consulted; and, in the meantime, it was thought, an opportunity "would be given for the practice to ripen." At length (October 31), James returned; and, the next day, the letter was laid before him. As soon as he had perused it, he pronounced that its warning "was not to be contemned." The earl of Salisbury, however, pointed to the words, "*the danger is past as soon as you have burnt the letter*," and marked them as "the saying of a fool:" but the king, on the contrary, so he assures us himself, "considering the former sentence in the letter, that 'they should receive a terrible blow this parliament, and yet should not see who hurt them,' joining them to the sentence immediately following, already alleged, did thereupon conjecture that the danger mentioned should be some sudden danger, by blowing up of powder: ..... whereupon he was moved to interpret and construe the latter sentence in the letter, alleged by the earl of Salisbury, against all ordinary sense and construction in grammar, as if by these words, '*for the danger is past*,' &c., should be closely understood the suddenty and quickness of the danger, which should be as quickly performed and at an end, as that paper should be of blazing up in the fire; turning that word of, '*as soon*,' to the sense of, '*as quickly*:'—and therefore wished that, before his going to the parliament, the under rooms of the parliament house might be well and narrowly searched" (James's Works, apud Howell, ii. 195—198).

From this account, which was written by James himself, it would appear as if the monarch had been the first to detect the hidden meaning of the letter to Mounteagle. In his speech to parliament, indeed, on the ninth of November, he again asserted his claim to the merit of the discovery (Lords' Journals, ii. 358): Coke, at the trial of the conspirators, declared that "the king had been divinely illuminated" on the occasion (True Relation of the Proceedings against the late conspirators, 70): and the parliament afterwards, borrowing one of his own phrases, more solemnly asserted that the revelation had proceeded from the "miraculous" interposition of "a divine spirit" communicated to him by God (Stat. 3 Jac. I. c. 1). Still, the contrary is undoubtedly the fact. "I imparted the letter," says Salisbury, "to the earl of Suffolk, lord chamberlain, to the end I might receive his opinion: whereupon perusing the words of the letter, and observing the writing (that the blow should come without knowledge who hurt

Thomas Knevet, by order of council, was deputed to make strict search, in all the places and apartments

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them), *we both conceived* that *it could not be more proper than the time of parliament, nor by any other way like to be attempted than with powder, whilst the king was sitting in that assembly ;* of which the lord chamberlain conceived more probability, because there was a great vault under the said chamber. * * * In which consideration, after we had imparted the same to the lord admiral, the earl of Worcester, the earl of Northampton, and some others, we all thought fit to forbear to impart it to the king, until some three or four days before the sessions: at which time we shewed his majesty the letter, rather as a thing we would not conceal, because it was of such a nature, than anything persuading him to give further credit to it, until the place had been visited" (Letter from the earl of Salisbury to Sir Charles Cornwallis, in Winwood, ii. 171). I will subjoin Gerard's remarks on this part of the subject:—"There want not many of great judgment," says he, "that think his majesty and divers of those counsellors also, who had the scanning of the letter, to be well able, in shorter time, and with fewer doubts, to decipher a darker riddle, and find out a greater secret, than that matter was, after so plain a letter was delivered, importing in so plain terms an intended punishment both by God and man, and so terrible a blow to be given at that very time, and yet the actors invisible. And those that be of this opinion do persuade themselves the matter came out by some other means, and that this letter was but framed and sent, of purpose to give another show of casual discovery, both to hide the true means, and to make the especial preservation of the king and state to be better discerned to come from God himself. Unto which opinion they were the rather inclined by the circumstances of the matter:—first, that the lord Mounteagle did, that night wherein the letter was to be delivered, appoint a supper to be made for him at his own house, a mile or two out of London, where he had not supped or lain of a twelvemonth and more before that time; and therefore strange that party should seek him there:—Then the manner of delivery seemed strange, to be so weakly handled by any that had judgment, as to be delivered to a page, and to be read by his lord in the time of supper, when he could not with safety have concealed the matter, if he would:—Again, it was so written as that my lord of Salisbury might well say it was like to be the writing of a fool or a madman; for no other, assuredly, would have committed so great a secret to ink and paper, in so plain a manner, and that so long before the time; especially there being many other means, likely enough to be effectual for the staying of my lord Mounteagle from the parliament, that one day, and that, without his danger of concealing any practice against the state: for * * many sudden occasions * * * would have been more likely to call him off, that very morning, than this letter, so delivered, to stay him ten days before.

"But although many were of opinion that this was not the first means of this discovery, yet none, that ever I could hear of, was able to give a certain judgment which way indeed it was discovered. It seems the gentlemen themselves did most fear Mr. Francis Tresham to be the man, that should send this letter unto the lord Mounteagle, which lord had married Mr. Tresham's sister. But that was nothing likely; for he was very witty; and, surely, the sending of such a letter in such a manner was nothing wittingly contrived, if it were done bonâ fide. * * * No, Mr. Tresham had too much wit, to deal so sillily in a thing of such importance. More did doubt want of fidelity, than of wit, in Mr. Tresham; and therefore it was rather supposed by most that doubted him to be the man, that he first opened the matter to the council, as thinking thereby to be raised to some place of credit, which then he might think himself, with wit and living, able to bear out with the best. This opinion was rather believed afterwards, when it was evident that none of the rest had done it, who were

near the parliament house: which he did, the day before the house was to meet; when he happened to spy out a person, standing at a cellar door, ready booted and spurred, who, upon examination, confessed he had a design to set fire to a train of gunpowder which was to blow up the parliament house: in confirmation whereof, upon a further scrutiny, thirty-six barrels of gunpowder were found in the cellar, concealed under billets, and other fuel.[1]

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privy unto the matter; but every one of them either died in the field, because they would not be taken, or, being taken, were all executed, and so left not the least suspicion of having opened the matter: Again, this opinion was encreased, when, the matter being discovered, all the gentlemen fled into Warwickshire, and then, according to their former designments, rose in arms, thinking to have made a head. But Mr. Tresham stayed still in London, and never stirred foot, though as far in as the best: And, thirdly, the opinion was yet more confirmed, when afterwards Mr. Tresham was also taken and kept close prisoner, at which time the general bruit was, that he confessed all he knew: but none of his confessions were published, neither did himself ever come to light afterwards; but died in the Tower: so that it is not known what he had discovered, first or last, or what he would have confirmed or repented, if he had come unto his trial and execution, as the rest did." (MS. c. vii. 100—102.)

To the presumptions, here mentioned against Tresham, may be added the facts stated in his own voluntary declaration, dated Nov. 13,—that he had sought to dissuade Catesby from the enterprise; that, unable to accomplish this object, he had afterwards proposed to delay its execution till the close of the parliament; and, finally, that he had advanced money and hired a ship, in which, under pretext of encreasing their party abroad, but really with a view to break up the conspiracy, he had, he thought, persuaded Catesby and Winter to embark for Flanders. "After this time," says he, "I never heard more of them, until the news ran over the town upon Tuesday, when, upon the salvation of my soul, I did think they had been beyond sea, and listened after their safe arrival, intending then to have taken a course to have given the state advertisement thereof, by some unknown means. This was the only way I could resolve on, to overthrow the action, to save their lives, and to preserve my own fortunes, life, and reputation." Original, in the State Paper Office.—*T.*]

[1] [As an illustration of this part of Dodd's narrative, I will subjoin another passage from Salisbury's letter, cited in the preceding note. Continuing where the former extract closed, the writer says,—"Whereupon his majesty * * * concurred thus far with us, that, seeing such a matter was possible, that should be done which might prevent all danger, or nothing at all. Hereupon it was moved that, till the night before his coming, nothing should be done to interrupt any purpose of theirs, that had any such devilish practice; but rather to suffer them to go on till the end of the day. And so, Monday in the afternoon, the lord chamberlain, whose office is, to see all places of assembly put in readiness when the king's person should come, taking with him the lord Mounteagle, went to see all the places in the parliament-house, and took also a slight occasion to peruse the vault: where finding only piles of billets and faggots heaped up, his lordship fell inquiring only who owned the same wood; observing the proportion to be somewhat more than the housekeeper was likely to lay in for his own use. And, when answer was made, that it belonged to one Mr. Percy, his lordship straight conceived some suspicion, in regard of his person; and the

While the king and council were busied in finding out the contents of the letter, those that were associates in the conspiracy (as far as rising up in arms) left the town, in order to rendezvous on Dunchurch Heath, on the fifth; and among them Mr. Catesby. It was given out in the country, that this meeting was only upon account of a hunting match; and, by their number, it appeared no otherwise: for they made not up above eighty persons, including servants, and neighbours who came in upon their diversion. However, the country being alarmed upon the discovery of the plot, the conspirators seized all the horses and arms they could, in order to make a defence against sir Richard Verney, high-sheriff of Warwickshire, who had raised the posse. He pursued them, all Wednesday, Thursday, and Friday, the sixth, seventh, and eighth of November, till he obliged them to shelter themselves at Holbeach, a house belonging to Stephen Littleton, near Stourbridge, where they were attacked by sir Richard Walsh, high-sheriff of Worcestershire. Four of the chief of them lost their lives in defending the house, viz., Mr. Catesby, Mr. Percy, and the two Mr. Wrights: the rest became prisoners [and were afterwards executed]. Catesby lived just long enough to own himself to be the author of this desperate design.[1]

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lord Mounteagle taking some notice that there was great profession between Percy and him, from which some inference might be made that it was the warning of a friend, my lord chamberlain resolved absolutely to proceed in a search, though no other materials were visible. And being returned to the court, about five o'clock, took me up to the king, and told him that, though he was hard of belief that any such thing was thought, yet, in such a case as this, whatsoever was not done, to put all out of doubt, was as good as nothing. Whereupon it was resolved by his majesty that this matter should be so carried, as no man should be scandalized by it, nor any alarm taken for any such purpose: for the better effecting whereof, the lord treasurer, the lord admiral, the earl of Worcester, and we two, agreed that sir Thomas Knevett should, under a pretext for searching for stolen and embezzled goods both in that place and other houses thereabouts, remove all that wood, and so to see the plain ground under it.

"Sir Thomas Knevett, going thither, about midnight, unlooked for into the vault, found that fellow Johnson newly come out of the vault, and, without asking any more questions, stayed him; and having no sooner removed the wood, he perceived the barrels, and so bound the caitiff fast; who made no difficulty to acknowledge the act, nor to confess clearly that, the morrow following, it should have been effected." Winwood, ii. 171, 172.—*T.*]

[1] [The following is Gerard's account of what occurred subsequent to the

Now, the only persons concerned in this design, or any way acquainted with it, were Catesby, Percy, and

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apprehension of Faukes, and the flight of the conspirators from London. "They, being all excellently well horsed, rid into the country, keeping the highway; but so fast a pace, and with such resolution, that it was very hard to overtake them, and would not have been easy to stay them. They rode two and three together, and they did ride that day, notwithstanding the foulness of the winter ways, to Dunchurch (which, I take it, is almost eighty miles), where sir Everard Digby stayed in readiness to have surprised the person of the king's daughter, in case they had brought other news. But they bringing such news as was little expected and less welcome, as it may well be supposed, they all entered into consultation, what was best to be done; and it was much marvelled at by divers of sir Everard Digby's friends, who were there with him in company, for his match of hunting, to see so many gallant gentlemen come in, of sudden, so late in the evening, and so well appointed. And seeing them enter into serious conversation, in a chamber apart, they knew not what to make of it; but soon after they might perceive, when they all came out, as well resolved upon some enterprise. And sir Everard caused all his men and horses to be ready, and departed with them. Mr. Catesby also, and other of the gentlemen, had prepared their horses and furniture ready in that place beforehand; although they thought they should have used it with more advantage. For, now, when the matter was known and bruited in the country that such an act should have been performed in London, which had failed, and that all was safe there, and that it was apparent these were the conspirators, by the course they took, none would come to assist them, nor had they any with them, but such servants and followers as themselves had provided beforehand, under other pretences; which therefore, for danger of giving suspicion, could not be many: neither do I think they were ever above eighty in the whole company, although fame in other countries went, first, that they were one hundred and fifty, then three hundred, and some said they were one thousand strong: but, if that had been so, it is like the matter had not been so soon ended, as it proved to be. But these conspirators, as it seems, hoped the matter would prove otherwise than it did, and that many would have joined with them, when once they saw them gathered to a head. And, to make their rising the more bruited, and withal to furnish themselves of some horses for the great saddle, they went presently to Warwick, and there out of a house, which is adjoining to the castle, they seized upon certain great horses belonging to some noblemen and gentlemen, which were kept there by a rider, to be taught. From thence they went and took all my lord Windsor's armour, which, by report, was able to furnish a much greater company than ever they had with them. From thence they went forward through Worcestershire towards Staffordshire, offering no violence or hurt to any.

"The country, in the mean time, began to rise on every side, yet none did as yet set upon them, nor until Friday following; and, on Thursday night, they came to one Mr. Stephen Littleton's house, in Staffordshire, who had adjoined himself unto them. And being there, it pleased God to send them such a fortune, as seemed very much to alter their resolutions, and made them resolve neither to fight nor fly, but to give up themselves willingly unto death. For, in the morning early, when some were gone abroad to discover what companies were coming, and others were preparing their shot and powder in a readiness, because there was some of the powder that they thought to be somewhat dankish, which they set before the fire, and were busy about it, whilst, behold, a spark, falling out of the fire, took hold of the powder, and that, blowing up, hurt divers of them, especially Mr. Catesby, Mr. Rookwood, but most of all Mr. Grant, whose face was much disfigured, and his eyes almost burnt out. This made

the two Wrights, whom justice overtook, before they came to a trial; Mr. Tresham, who died in the Tower;

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them see it was not best for them to proceed in their commenced course; and, as it seems, they took it for a sign of God's will, that he would not have them prepare to resist, but rather to prepare themselves to suffer, which they did. For, as Mr. Thomas Winter said in his confession, when himself, with Mr. Littleton, being gone abroad in the fields to discover, had understood of this heavy chance, and the matter being told him by his man in worse sort than indeed it was (to wit, that Mr. Catesby, Mr. Rookwood, and Mr. Grant were burnt up with powder, and the rest of the company disperst upon sight thereof), he, resolving not to fly, as Mr. Littleton advised him, but first to see and bury the body of his friend, Mr. Catesby, returned back to the house, and there found the gentlemen reasonable well, in respect of what he had heard, and asked them what they resolved to do. They answered, 'We mean here to die.' Then said Mr. Thomas Winter, 'I will take such part as you do.' Then they all fell earnestly to their prayers, the litanies, and such like, as since some of the company affirmed that escaped taking, being none of the conspirators, but such as joined with them in the country. They also spent an hour in meditation; and divers of their company departed, to shift for themselves, the house being not yet beset. About an hour before mid-day, the high sheriff came, with the forces of the country, and beset the house. Mr. Thomas Winter, going into the court of the house, was shot into the shoulder; with which he lost the use of his arm. The next shot was the elder Wright, who was strucken dead; after him, the younger Wright; and fourthly, Mr. Rookwood: but he was only wounded in four or five places, and so taken, and afterwards put to death at London. So were also Mr. Thomas Winter and Mr. Grant, and all the rest but Mr. Catesby and Mr. Percy, who resolved they would not be taken, but rather suffer death, at that time, in the field. Whereupon Mr. Catesby took from his neck a cross of gold, which he always used to wear about him, and, blessing himself with it, and kissing it, showed it unto the people, protesting there solemnly before them all, it was only for the honour of the cross, and the exaltation of that faith which honoured the cross, and for the saving of their souls in the same faith, that had moved him to undertake the business: and sith he saw it was not God's will, it should succeed in that manner they intended, or at that time, he was willing and ready to give his life for the same cause; only, he would not be taken by any, and against that only he would defend himself with his sword.

"This done, Mr. Catesby and Mr. Percy turned back to back, resolving to yield themselves to no man, but to death as the messenger of God. None of their adversaries did come near them; but one fellow, standing behind a tree with a musket, shot them both with a bullet: and Mr. Catesby was shot almost dead; the other lived three or four days. Mr. Catesby, being fallen to the ground, as they say, went upon his keees into the house, and there got a picture of our blessed lady in his arms (unto whom he was accustomed to be very devout), and so, embracing and kissing the same, he died. Some of the chiefest of them did think to have escaped, as sir Everard Digby, Mr. Robert Winter, and Mr. Stephen Littleton: and these two last, knowing the country better than the other, did indeed escape for the time. Sir Everard Digby, thinking also to take that course, offered all his servants that they might take their horses and money, and shift for themselves: but his page and one other said they would never leave him, but against their will. Therefore, being well mounted, they three went together; but they found the country so up, on every side, and all drawing towards the place where, the voice was, the conspirators were beset, that it was not possible for them to pass or go unknown, especially sir Everard Digby, being so noted a man for his stature and personage, and withal so well

Guy Faukes, Thomas Winter, Robert Keyes, and Thomas Bates. These nine seem to have been privy to, and principal actors in, the plot. Others appear to have been only concerned in the insurrection, viz., sir Everard Digby, Robert Winter, John Grant, and Ambrose Rookwood.[1] Again, several jesuits are mentioned, one way or other, to have been acquainted with their proceedings, viz., Garnet, Oldcorne, Baldwin, Gerard, Tesmond, and Hammond. To these may be added Stephen Littleton, who was prosecuted for entertaining the conspirators; Percy, earl of Northumberland, who was committed to the Tower, and fined thirty thousand pounds, for admitting Percy among the band of pensioners, without administering the usual oaths; the lord Stourton, and lord Mordaunt, two catholic peers, fined for being absent in the country, when the parliament should have met; lastly, about half a dozen obscure persons were apprehended, and executed, for being found among the rebels.[2] These were all the govern-

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appointed as he was. Whereupon, he did rather choose, after he had gained a little ground, to strike into a wood; and thought there in a dry pit to have stayed with his horses, until the company had been past. But they tracked his horses unto the very pit-side, and then cried out, 'Here he is, here he is.' Sir Everard, being altogether undaunted, answered, 'here he is, indeed; what then?' and advanced his horse in the manner of curvetting (which he was expert in), and thought to have borne them over, and so to break from them, esteeming them to be but ten or twelve persons, whom he saw about the pit: and though he made them easily give way, yet then he saw above a hundred people hard by, and coming upon him: so that, seeing it in vain to resist, he willingly yielded himself to the likeliest man of the company, upon a desire he had to have some time before his death for his better preparation. . . . So that, only four were slain in the country. . . .: the rest were all put into the Tower for further trial, according to law: . . . unto them also were adjoined afterwards Mr. Robert Winter and Mr. Stephen Littleton, who being discovered in one place, where they had been at least a month, they went unto a house of the widow Littleton's, a woman of great estate, and there were kept in a chamber by Humphrey Littleton, her alliance; she being then in London: but their being in that house was found out by the cook of the house, in the provision of meal; and so by him they were discovered, and taken by the next justices, and so carried up to London, and laid with the rest in the Tower." MS. c. vii. 106—111.—*T.*]

[1] See notes, pp. 45, 47, ante.

[2] [In this passage there are some inaccuracies, which I will briefly notice. 1°. Oldcorne was never supposed to have been privy to the plot, before its discovery, and suffered only for the technical offence of having relieved and succoured Garnet, after the proclamation for his arrest (Jardine, ii. 232; Challoner, ii. 487). 2°. Stephen Littleton's offence was not that of merely "enter-

ment could meet with, after the most diligent enquiry, either directly or indirectly concerned in this affair. However, the fact was never yet made so clear, as to unite men in one opinion, either as to the grounds, or to many particulars of the contrivance. Several protestant writers surmise, there was more in it than what ever appeared: and I find some catholics willing to believe, it was little more than a trick of state, to bring their party under a general odium, at a time when the king was disposed to show them some favours. A middle way may, perhaps, come nearest to the truth. And, to consider the reasons and conjectures on both sides:—

Some talk at such a rate, as if the fact itself might be called into question. They think it incredible, that persons who owned themselves to be christians, of a liberal education, and some of them of remarkable probity, and well esteemed by all parties, should on a sudden be transformed into brutes, and attempt a piece of barbarity, which the very cannibals could not be sus-

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taining the conspirators:" he had been engaged as an associate by Catesby, at the preceding Michaelmas; though it does not appear that he was made acquainted with all the particulars of the plot (Winter's Letter to the Lords, Jan. 21, 1606, in the State Paper Office, No. 176). 3°. The charges against Northumberland were, that he had endeavoured to be the head of the English papists, and to procure them toleration; that he had admitted his relative, Percy, to the office of gentleman pensioner, without exacting from him the oath of supremacy; and that, after his restraint, he had written into the north, to secure his money and rents from the hands of Percy,—thus showing his disobedience, in writing letters without leave; manifesting a greater solicitude for the security of his property, than for the apprehension of a traitor; and making use, at the same time, of these letters, as a means of giving warning to Percy, to provide for his own safety. For these offences, he was adjudged to pay the fine mentioned in the text, to be deprived of all his offices, to be incapable of holding any in future, and to be imprisoned in the Tower for life (Stowe, 884). 4°. Besides Stourton and Mordaunt, the viscount Montague also was committed to the Tower and fined, on a similar charge. From the confessions of Faukes and others, it was ascertained that Catesby knew these noblemen would not be present at the opening of parliament; and hence a secret understanding between them and the conspirators was inferred (Birch, 244). They were fined in various sums, for which Stourton and Montague were afterwards permitted to compound, the former for £1000, the latter for £4000 (Boderie, i. 122; Stowe, 884; Somers' Tracts, ii. 371). The payment of Mordaunt's fine, which was fixed at ten thousand marks, is not mentioned.

As regards the guilt or innocence of Garnet and the other jesuits mentioned in the text, the question will be more properly discussed hereafter, in their respective lives.—*T.*]

pected of. [They say] that they could have no view in the undertaking, had they effected it; that the king owned, that no catholic power abroad had any concern in the affair, but detested it;[1] that the conspirators had nothing to graft upon the confusion, it would have occasioned; that it was an instance of greater folly than malice, and could be attributed to nothing, but stupidity and frenzy. Above twenty catholic peers then sat in the parliament house. These were not to be acquainted with the design, but all to be blown up, for the good of the catholic cause.[2] These, with several other circumstances relating to the odd way of discovering the plot, have created some difficulty, how to reconcile the belief of it with the common notions, men should entertain of persons and causes: and, even at this day, many of the vulgar sort of catholics, who are not acquainted with the story of those times, look upon the whole to be a sham contrivance to discredit their party. To speak my own sentiments upon the matter:—Though it cannot be denied, but that several sham plots have been hatched, in order to oppress and vilify catholics, yet I cannot be so partial, as to excuse all of them, upon the present occasion. Besides the general agreement of our historians, the fact was attended with intrinsic and undeniable proofs from the conspirators' own confession. Some acknowledged the laying of the gunpowder, others that they were privy to it; some confessed the design of an insurrection, and appeared in arms. Nay, even Garnet himself did not deny, but that the secret was communicated to him in the sacrament of confession. These concurring testimonies render the substance of the account undeniable. But then, as to many particulars, some are of opinion, there was a malicious design in the ministry, to draw those unfortunate persons into so black a contrivance; and means

[1] [In his proclamation of November 7, 1605 (apud Stowe, 880), and in his speech to parliament, two days later. Lords' Journals, ii. 358.—*T.*]

[2] [This part of the argument was founded on a mistake. Digby, as the reader will remember, expressly tells us that, in his opinion, "there would not have been three worth saving, that should have been lost." See note, page 48, ante.—*T.*]

made use of to carry it on. The scheme of their thoughts upon the matter stands thus:—They believe that Cecil, and some other politicians at the helm of affairs, being apprehensive that king James was meditating something in favour of the catholic religion, set their heads to work, how to make that party odious, as was formerly done in the late queen's reign, by setting a-foot and nourishing plots, and egging on men of unbridled zeal, and desperate fortunes, against the government. By this method, Mr. Catesby and some others were drawn into a conspiracy, to take revenge of the king, for his breach of promise: for nothing but revenge could induce them to attempt a thing, which could have no further consequences. This scheme makes Cecil all along acquainted with the plot, which he encouraged by the help of his spies, who were of the party; and by this means he knew how to time the discovery. Further, that the letter, directed to lord Mounteagle, was all a sham, and of Cecil's own contrivance; and moreover, that, very probably, Mr. Tresham was privately dispatched in the Tower, that he might not appear, at his trial, to have played a double part, and discovered the whole mystery. This account does not excuse the conspirators; but lays a heavy weight upon the devils, that tempted them above their strength.

Hitherto I have been impartial in delivering the opinions and conjectures of both parties, concerning this black design: and it is left to the reader, to determine within himself, how far the great politicians at court were engaged in it.[1] This may be said, that they ob-

[1] [That the conspirators themselves never suspected Cecil to have been connected with the plot, is clear from the observations of Gerard, inserted in a preceding note (pp. 50, 51): that the story of his having contrived it, though cited as indisputable by Dr. Milner (Letters to a Prebendary, Lett. vii.), has no foundation in truth, must be evident to all who have read the examinations and declarations of the several prisoners, published by Mr. Jardine (Crim. Trials, ii.), or the interesting narrative contained in Dr. Lingard's History (ix. 32 et seq.). Still it is not improbable that the secretary was aware of the existence of the plot, before it was supposed to have been revealed by the letter to Mounteagle; and that the letter itself was only what Gerard and others imagined at the time,—a contrivance, adopted to conceal the real mode of the discovery. Dr. Milner's arguments are fully answered by Mr. Butler, in his Memoirs of English Catholics, ii. 172—177.—*T.*]

tained their ends against the catholics, who, by this means, were brought under disgrace, and a violent persecution: and, by a charitable method, peculiar to the reformers, the whole body has ever since been charged with the fact; which, in some respect, shews as much barbarity, as the plot itself. It is my business, in the next place, to wipe off this aspersion, by discovering the malignant influence of ignorance, prejudice, and passion, which has transported many protestant writers to cast the infamy of this affair, not only upon the English catholics, but even upon the see of Rome. This they have attempted from topics general and particular. They allege, that the principles of their religion engage them in such stratagems: that pope Clement VIII. published two bulls, directed to the catholics of England, in the year 1600, whereby he charges them not to submit to any king, unless he was a catholic; and the Gunpowder plot was the consequence of these bulls: that, particularly about the time when the plot was carrying on, public prayers were ordered, both at home and abroad, for the success of the catholic cause in England: that in the anniversary remembrance of the plot, observed every year on the fifth of November, the protestant clergy stigmatize it, as a popish contrivance: that several priests and jesuits were consulted by the conspirators, before they entered into the engagement: that, in fine, the see of Rome never made any disclaim of the fact; and that Garnet, who suffered on that account, is reputed to be a martyr, and worker of miracles. How far these allegations are capable of making good the general charge, against either all the English catholics, or the see of Rome, will appear to any one, that will but calmly consider the nature of such proofs.

For, in the first place, as to the principles of the church of Rome, it will be a difficult matter to prove that any article of their creed allows of murder. I am sure, the canons of their councils and daily practice directly speak the contrary. They are taught to pay civil obedience to princes of whatever persuasion; and,

if regard may be had to practice, they live as peaceably under a church supremacy, as their neighbours do under a lay supremacy. But this being a point sufficiently debated by the learned of both churches (and only mentioned by their enemies, on the present occasion, to make the world believe that catholics are always disposed to give disturbance to the civil power), I will pass it over, as a foreign enquiry, and little to the purpose.

As to the bulls said to be set forth by pope Clement VIII., it was never my fortune to meet with any of that import. Those I have seen, were only a pastoral exhortation, to remain firm in the profession of their faith. But, then, as to the inference, nothing, but a mind entirely bent upon malice, can mention the Gunpowder plot, as being the consequence of such an exhortation.[1]

It is said that public prayers were ordered among the catholics, about the time of the plot. This fact, though it stands in need of a better proof than a bare assertion, can amount to no more, than that the catholics wished well to the common cause of their religion: and it might be proper to put up prayers at that time; they being in hopes of some ease from a mild prince, after the severe treatment they had met with, under queen Elizabeth. And, if this is a sufficient ground to charge them with a plot, they have never been out of one, since the first beginning of the reformation. They have a precedent for it from all the people of God, who lived under oppression. The Jews in their captivity

[1] [The "bulls," here referred to by Dodd, were in reality the *breves* which I have mentioned in a former part of this history, and of which I have there expressed a doubt whether any copy has been preserved (iii. 30). Since I wrote that note, I have discovered one of the two instruments in question,—the breve addressed to the English laity. It is a feeling exhortation to unanimity and patience, an affectionate appeal to the sufferings which they had already endured for the name of Christ, and an earnest and impressive admonition to "join with no party, to give their support to no persons, who should have incurred even the suspicion of heresy." This is the only allusion, which it contains, to its great political object: the task of explaining and applying its general advice, in accordance with the letter to the nuncio (ibid. Append. lxx.), was no doubt committed to the clergy. See Appendix, No. XVII.—*T.*]

begged, by public prayer, that God would shorten the days of their misery: and this they practised, without any design of subverting the government they lived under, though, perhaps, the ruin of their enemies might prove to be the effect of their prayers. The church ordered prayers for St. Peter, when he was in confinement: and, if I mistake not, every church prays that their enemies may be confounded, and put out of a capacity of distressing them. Of all plots, certainly prayers are the most innocent, and most conformable to the best notions both of religion and government.

The annual commemoration of the fifth of November was a seasonable ordinance: but I cannot think the wise powers, that appointed that day of thanksgiving, ever designed it should be solemnized after that mobbish manner it commonly is, or that public prayers should be accompanied with malice, calumnies, and invectives. If the clergy exert themselves, upon the occasion, by declaiming against the see of Rome, and doctrine of the catholic church, and endeavour to make the whole party guilty of the gunpowder plot, their behaviour is no rule to the discerning part of mankind. Their design, besides private views, is to spirit up the common people, and keep alive their aversion to the catholics: for, as the ingenious lord Falkland has observed, the clergy labour under so many passions and prejudices, that the case of religion was never worse stated, than from the pulpit. Those, that have a just way of thinking, will rather suffer themselves to be directed, in their opinion, by what public authority has declared, as to the fact. Now, the king

[1] [In the present instance, however, the question regards, not so much the prayer itself, as the indication, afforded by its recital at a certain time, and under certain circumstances, of the connexion of the individuals reciting it with an act of acknowledged treason. That Garnet, the only person against whom the charge of having prayed for the successful issue of the plot was levelled, at the trial, did actually use a form of prayer, calculated to give a colour to the accusation, is acknowledged both by himself and by his friends (Jardine, ii. 217, 284, 285; Eudæm. Joan. 265). Whether the prayer was unusual, whether it was specially selected for the occasion, or whether, in fact, it did not form a portion of the regular public service of the day, are points which, with the other matters here relating to him, will hereafter be considered in his life.—*T.*]

himself, both in parliament, and in the proclamations issued out for apprehending the conspirators, declares it was only a contrivance of eight or nine desperadoes: "Neither does his majesty charge the plot upon the whole body of the English papists. . . . . The conspirators' party, when most numerous, including their servants, was not more than eighty:"[1] much less was any foreign power engaged or applied to, as the king himself said he was satisfied, from their ambassadors then residing in London, who made public rejoicings upon the discovery of the plot.

[1] Collier, ii. 689. [James certainly acquitted the catholics as a body, of all participation in the plot: but it was only that he might impute its guilt more unreservedly to their religion. They were innocent, according to him, because they had not adopted those mischievous opinions, for which, however, he and his government had been exhausting the cruelty of the penal laws upon them!—I subjoin his words:—

"It resteth now," says he, addressing his parliament, on the ninth of November, "that I should shortly inform you what is to be done hereafter, upon the occasion of this horrible and strange accident. As for your part, that are my faithful and loving subjects of all degrees, I know that your hearts are so burnt up with zeal in this errand, and your tongues so ready to utter your dutiful affections, and your hands and feet so bent to concur in the execution thereof, . . . . . as it may very well be possible that the zeal of your hearts shall make some of you, in your speeches, rashly to blame such as may be innocent of this attempt: but, upon the other part, I wish you to consider that I would be sorry that any, being innocent of this practice, either domestical or foreign, should receive blame or harm for the same. For, although it cannot be denied that it was the only blind superstition of their errors in religion, that led them to this desperate device, yet doth it not follow that all, professing that Romish religion, were guilty of the same: for, as it is true that no other sect of heretics, not excepting turk, jew, nor pagan, no, not even those of Calicut who adore the devil, did ever maintain, by the grounds of their religion, that it was lawful, or rather meritorious, as the Romish catholics call it, to murther princes or people for quarrel of religion, . . . . . yet it is true, on the other side, that many honest men, blinded, peradventure, with some opinions of popery (as if they be not sound in the questions of the real presence, or in the number of the sacraments, or some such school question), yet do they either not know, or, at least, not believe, all the true grounds of popery, which is indeed the 'mystery of iniquity.' And therefore do we justly confess that many papists, especially our forefathers, laying their only trust upon Christ and his merits, at their last breath, may be, and oftentimes are, saved; detesting, in that point, and thinking the cruelty of the puritans worthy of fire, that will admit no salvation to any papist. I, therefore, thus do conclude this point,—that as, upon the one part, many honest men, seduced with some errors of popery, *may yet remain good and faithful subjects*, so, upon the other part, none of those, that truly know and believe the whole grounds and school-conclusions of their doctrine, can ever prove either good christians, or faithful subjects." (See the speech in the Lords' Journals, ii. 358; James's works, 503; and Gunpowder Treason, 1). When James thus acknowledged the possibility of being a catholic, without "believing" the pernicious doctrines which he denounced, he must have forgotten that he thereby acquitted the religion itself of the very charge that he was endeavouring to fix upon it.—*T.*]

What is alleged in the next place, concerning priests and jesuits, that were consulted by the conspirators, is so far from favouring a general charge, that it is a manifest indication of the contrary. Among between three or four hundred missioners, at that time belonging to England, only six were ever mentioned to be concerned, and of these six, only two convicted to have been privy to it; who, at the same time, never consented to it, but used their endeavours to put a stop to the design. So that, whether they were acquainted with these matters in confession, or otherwise, they cannot strictly be styled conspirators, though guilty of misprision, and subject to death by the rigour of the law; which might have been, and has often been, the case of persons very well affected to the government. Upon this account, several unfortunate gentlemen have unthinkingly exposed their lives, rather than betray their friend, and incur the odium of becoming informers.

What is in the next place alleged, concerning the bishop of Rome never making any public disclaim of this horrid contrivance, it is a very unreasonable expectation. Did king James ever charge him with it? Is an English mob to be attended to, and complimented in all their extravagances and spiteful invectives? Should the bishop of Rome condescend so far, as to endeavour to put a stop to all the calumnies levelled against the holy see, he must live as many ages as he does minutes, to publish a sufficient number of apologies; and, after all, if I mistake not the good dispositions of his enemies, it would be all labour lost. They would be found to have as little faith as they have charity. But if disclaims are of any use, to wipe off the aspersion, English catholics have given content abundantly upon this head; since, both upon the discovery of the plot, and at all times downward, they have unanimously detested it.[1]

[1] [As regards the pope, however, it must be remembered that he did that, which was infinitely more decisive of his real feelings, than any postliminious condemnation of the act could possibly have been,—he endeavoured to prevent it. So early as the month of June, information reached him, through a private channel, that some design was in agitation for the disturbance of the government;

To conclude with what relates to Garnet's being a martyr and worker of miracles, I leave the reader to

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and he instantly ordered Aquaviva, the general of the society, to write to Garnet, expressing his conviction that the existence of the conspiracy must be known to that jesuit, and commanding him, without a moment's delay, to exert himself in arresting its progress. Garnet's answer, if it confirmed the intelligence conveyed to the pontiff, must also have tended to allay the apprehensions, which that intelligence had excited. It was true, he said, there were individuals among the catholics, whose resentment would scarcely be controlled by the bare injunctions of his holiness. Four times, however, he had himself been able to frustrate the plans of the disaffected: without his consent, the great body of the catholics would never engage in any violent enterprise; and though he certainly was uneasy, lest men, who had long since talked of the duty of "defending their lives," might ultimately, by their rash proceedings involve their more peaceable brethren in rebellion, yet, for the present at least, he had succeeded in averting this calamity, and, by engaging the parties in question to wait for the opinion of the holy see, had gained time for the application of some suitable remedy (See Appendix, No. XVIII.). In another letter dated on the twenty-eighth of August, he assured Persons, who also had been employed to write to him from the pope, that the "catholics were quiet, and likely to continue their old patience" (Gerard's MS. 79): a similar assurance he repeated in the letter written in October, which the reader has already seen in the Appendix (No. XVI.): and if, therefore, no further measures were adopted by Rome for the overthrow of the plot, it was only because, deceived by the statements conveyed from England, the pontiff had been led to imagine that every criminal design had been abandoned. Nor was this all. If, after its discovery, the pope himself abstained from issuing a formal condemnation of the conspiracy, Blackwell, at least, his delegate and representative in England, instantly came forward to stigmatize it as a "detestable device," an "intolerable, uncharitable, scandalous, and desperate fact." No sooner had the proclamation for the apprehension of the conspirators announced the intelligence that catholics were implicated in it, than he addressed a letter to the clergy and laity of his flock (Nov. 7), reminding them of the criminality of all forcible attempts against the government, and exhorting them to manifest their respect for the decisions of the church, the clergy by inculcating, the laity by practising, that patient submission to the laws, which alone could "please God, mollify man, and encrease their merits and their glory in the world to come." Three weeks later (Nov. 28), he repeated his admonition in still stronger terms. He reminded his people of his former letter, assured them that "no violent attempt against the king or his government could be other than a most grievous and heinous offence to God;" and concluded by declaring that, as the pope had already condemned, and would doubtless again condemn, all such unlawful proceedings, so he, by the authority of the pope, now strictly forbad all catholics, under pain of ecclesiastical censures, "to attempt any practice or action, tending to the prejudice" of the throne, or to behave themselves in any manner but such "as became dutiful subjects and religious catholics, to their king, his counsellors, and officers." To show that, in these instruments, the archpriest spoke nothing but the sentiments of the pontiff, it is only necessary to add that, in the preceding July, instructions, to the very same effect, had been published by him, at the express command of his holiness; and that, during the summer of 1606, the pope himself addressed two letters to James, one by a special messenger, the other through a different channel, expressing his abhorrence of the late conspiracy, and soliciting the royal clemency for the unoffending catholics. "J'ai sçu depuis peu, que le dit baron de Magdelène . . . . a fait le voyage par commandement du pape, dont il est camérier, pour recommander au roi d'Angleterre les catholiques du

form a judgment of those matters from the circumstances of his life and behaviour; to which it will conduce very much, if we consider how far he could preserve a good conscience, in the commerce he had with the conspirators. The same, I say, as to his miracles, which are to be credited or disregarded with respect to proofs. Neither the church of Rome, nor the body of English catholics, are under any obligation to become a party in such kind of controversies.[1]

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pays, l'assurer de leur obéissance, comme de la bonne volonté de sa sainteté en son endroit, et lui temoigner le regret qu'elle a de la conspiration de la fougade, qui a été dressée contre sa personne par aucuns soi-disans catholiques, l'action desquels sa sainteté déteste, comme elle fera toujours autres semblables attentats. Nous avons encore sçu que le dit pape a depuis ecrit, par autre voie, une lettre au dit roi, sur le même sujet, . . . . et que la dite lettre etoit tombée ès mains du dit roi de la grande Bretagne" (Boderie, i. 284). Blackwell's three letters will be found in the Appendix, No. XIX.—*T.*]

[1] [The truth is, that the charge, embodied in the present question, is founded on misapprehension; and that, whilst, on the one hand, the church has never pronounced in favour either of the sanctity, or of the miracles, of Garnet, on the other, that sanctity and those miracles have been ascribed to him by his admirers, not because they acknowledged him to be guilty, but because they believed him to be innocent, of the treason for which he suffered. To them Garnet was a saint, *because* he was *not* chargeable with the offence imputed to him by his enemies: he was a martyr, because he had fulfilled his duty, and had sacrificed his life, rather than violate the most sacred obligation of his spiritual ministry. Whether right or wrong as to the *fact*, upon which their judgment was framed, it is clear that the very devotion, with which they regarded his innocence, was the strongest evidence of their abhorrence of the crime, for which they deemed him to have been unjustly executed.—*T.*]

## ARTICLE IV.

OATH OF ALLEGIANCE.—JAMES'S HOSTILITY TO THE CATHOLIC RELIGION—REVISION OF THE PENAL LAWS—FRESH ENACTMENTS AGAINST CATHOLICS—THEY ARE DEPRECATED BY THE FRENCH KING—BUT SANCTIONED BY JAMES—PROCLAMATION AGAINST THE MISSIONARIES—JAMES DESCRIBES HIS MOTIVES FOR REQUIRING THE OATH—THEY ARE IRRECONCILABLE WITH HIS PROCEEDINGS, AS CONNECTED WITH THE OTHER PARTS OF THE STATUTE—MEMORIAL OF FATHER PERSONS—OBJECTS PROPOSED TO THEMSELVES BY THE FRAMERS OF THE OATH—REAL GROUND OF OBJECTION TO IT AT ROME—IT IS REQUIRED TO BE TAKEN—CONSULTATIONS AND ALARMS OF CATHOLICS—THE ARCHPRIEST OPPOSES IT—BUT CHANGES HIS OPINION—THE QUESTION CARRIED TO ROME—THE POPE ISSUES A BREVE AGAINST THE OATH—BLACKWELL REFUSES TO PUBLISH IT—JAMES RENEWS THE PERSECUTION—A SECOND BREVE CONFIRMATORY OF THE FIRST—BLACKWELL TAKES THE OATH—BELLARMINE AND PERSONS WRITE TO HIM—HE IS DEPOSED—THE KING PUBLISHES AN "APOLOGIE FOR THE OATH"—OTHER WRITINGS ON THE SUBJECT—PROCEEDINGS OF BIRKHEAD, THE NEW ARCHPRIEST, WITH THE ADVOCATES OF THE OATH—ANOTHER PROCLAMATION—ACT TO ENFORCE THE TAKING OF THE OATH—ITS OPPONENTS IN ENGLAND ACTUATED ONLY BY RELIGIOUS SCRUPLES—REFUSAL OF ROME TO SPECIFY ITS OBJECTIONABLE PARTS—SKETCH OF ITS SUBSEQUENT HISTORY—ARGUMENTS OF ITS ADVOCATES AND OPPONENTS.

WHATEVER opinion the king might have conceived of the catholics in general, upon account of the Gunpowder Plot, it is certain they all became the object of his resentment, and that the penal laws were let loose against them, upon this occasion.[1] As to those persons in par-

[1] [Though James has been praised for the "conciliating spirit" in which he addressed the parliament, on the 9th of November, it can scarcely be doubted that much, if not most, of the ferocity with which the catholics were instantly assailed, was the result of his speech on that occasion. No enemy is so dangerous as he who seems to condemn against his will, who can clothe his hostility with an air of compassion, and accompany the bitterest of his accusations with a pretended desire to excuse the objects of his attack. This was the case with James. By acknowledging the innocence of the catholics, and yet asserting the guiltiness of their religion, he at once assumed the tone of an advocate, and resorted to the surest means of awakening the spirit of persecution. If we may trust to his assertions, indeed, their ignorance or their disbelief of the tenets of their own church had hitherto secured the allegiance of his catholic subjects. But these safeguards might be removed at any moment. The doctrines of the proscribed faith might at length be received in their full extent; and the religion, to which its votaries had clung through all the horrors of persecution, might ultimately establish its principles entire within their minds. To extirpate the ancient creed, therefore, would naturally become a

ticular, who had been concerned in the plot, it was his belief that they had been too much influenced by cer-

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duty in the eyes of every unthinking zealot; and, accordingly, when parliament assembled in January, its very first care was devoted to the revision and enlargement of the penal code. To facilitate its operations, a committee in the lower house was ordered "to consider of some method for the timely and severe proceeding against recusants;" and, in the course of a few days (Feb. 1), a list of articles, sixteen in number, was presented to the house, as the basis of its proposed enactments. At the same time, the peers, animated by a like zeal, were engaged in a similar course: the measures proposed by each house were communicated to the other in a succession of "honourable conferences;" and the king himself having expressed his approbation of the several propositions (Commons' Journ. i. 265), they were at length embodied in two bills, as tyrannical and unjust in principle, as they were abhorrent from every feeling of humanity. The first was denominated "An Act for the better discovering and repressing of popish recusants". Assuming that, amongst the catholics, there were many who, to conceal their real principles, occasionally repaired to church, it began by ordaining that all recusants convict, who should already have conformed, or should hereafter conform, should, under a penalty of twenty pounds for the first, forty for the second, and sixty for every subsequent, omission, be bound, in addition to their attendance at divine service, to receive the sacrament, once at least every year, in the parish church. It then gave to the king the right of refusing, if he should think proper, the usual fine of twenty pounds per lunar month, for absence from church, and of taking, in its place, the whole of the personal, and two-thirds of the real, estate of the offender: it prescribed the oath, which forms the subject of the present article, and subjected any person of the age of eighteen years, who should refuse to take it, if a married woman, to imprisonment in the common gaol, if any other individual, to the penalties of premunire; and, having made it treason either to reconcile another, or to be reconciled, to the church of Rome, even beyond the seas, it concluded by declaring that every housekeeper, of whatever religion, receiving a visitor, or keeping a servant, who should neglect to attend the service of the church, should be liable to a penalty of ten pounds for every month, during which such visitor or servant should continue in his house. It is of this last provision, that Boderie, the French ambassador, thus expresses himself:—"Ce qui les presse davantage, c'est la peine imposée de deux cens livres pour chaque serviteur catholique, qui se trouvera en une maison; car il y en a une infinité, mêmement chez les protestans, desquels il leur fâche extrêmement de se defaire, *pour reconnoitre plus de fidelité en eux, qu'en ceux de leur religion méme.* Et d'autre part, c'est une extrême compassion de voir tant de pauvres gens, qui, par ce moyen, et peut-être aussi chassés, seront contraints de mourir de faim. Il y eut l'autre jour un seul seigneur, qui donna congé à soixante. J'en sçais d'autres de très bonne qualité, qui sont resolus de souffrir tout, plutôt que de congédier les leurs. C'est une dangereuse arme que le désespoir, en mains de personnes qui n'ont rien à perdre."—(Boderie to Villeroy, July 30, 1606, vol. i. 231, 232). The act will be found in the Appendix, No. XX.

The other bill exceeded in cruelty all that had hitherto been devised for the oppression of the devoted catholics. Pursuing them from the cradle to the grave, it entered into all the walks of life, it cast its shadow on the sacred privacies of every home, and, affecting its victims in all their varied capacities of husbands, wives, parents, children, patrons, executors guardians, and members of the learned and liberal professions, in all and each it subjected them to penalties of the most grievous and inhuman description. 1°. By its provisions, all catholics were forbidden to appear at court without a special warrant to

tain doctrines, taught by some catholic divines, not very favourable to the temporal power of princes. Where-

that effect, or to remain within ten miles of the liberties of the city of London, or to move more than five miles from their usual place of residence, until they should have made oath as to the cause of their journey, and should have obtained a license in writing, signed by four of the neighbouring justices, and approved by the bishop of the diocese, or lieutenant, or deputy-lieutenant, of the county. 2°. They were disabled from practising as lawyers, physicians, or apothecaries; from acting as judges, clerks, stewards, or officers of any court or corporation; from holding any commission in the army or navy, or any office of trust or emolument in the commonwealth; from presenting to the ecclesiastical benefices, schools, or hospitals in their gift, and from discharging the duties of executors, administrators, or guardians. 3°. The catholic wife even of a protestant or conforming husband, if convicted of neglecting to receive the sacrament in the parish church, for one whole year immediately preceding the death of her husband, was condemned to forfeit two-thirds of her dower, was deprived of her interest in two-thirds of her jointure, and was rendered incapable either of acting as executrix to her husband, or establishing her customary claim to any portion of her husband's goods. 4°. Husbands and wives, if married otherwise than in a protestant place of worship, and by a protestant minister, were each deprived of all interest in the lands or property of the other; if they omitted to have their children baptised by the protestant minister of the parish within one month after the birth, they were subjected to a fine of £100 for each omission; and if, after death, they were buried in any other place than the protestant church or churchyard, their executors were liable to a penalty of £20 for each offence. 5°. All catholic children sent, and all catholics going, beyond the seas, without special license either from the king or the privy council, were rendered incapable of taking any benefit, by gift, descent, or devise, until they should return, and take the oath of allegiance prescribed in the preceding act; the property, in the meantime, being assigned to the next protestant heir. 6°. Every catholic convicted of recusancy was thereby placed in a state of excommunication, and consequently disabled from maintaining or defending any personal action or suit; his house, or the house of any protestant having a recusant wife, might be entered and searched at any moment; his books and furniture, under pretence of superstition, might be burnt; and his arms and ammunition might be taken from him, and kept, at his expense, in the custody of the neighbouring magistrates (See Appendix, No XXI.).

Such were the bills which, for more than four months, continued to occupy the attention of the two houses. So early as the beginning of April, their barbarity had awakened the concern of the French king; and Boderie, his ambassador, had been ordered to wait on James, and represent to him the danger of excessive and indiscriminate severity. But James was too weak, or too intolerant, to profit by the advice. When, after a series of evasions and delays, the ambassador at length (May 26) obtained an audience, it was only to be informed that his interference was in vain, and that nothing could be done, to mitigate the cruelty of the new code. Already, the monarch said, he had exerted himself to the utmost, on the side of mercy. He was naturally opposed to harsh measures: he had declared his aversion to whatever was cruel or tyrannical: but the jesuits had so infected the minds of his catholic subjects with the notion of the temporal supremacy of the pope, that he had been compelled to sacrifice his better feelings, and suffer the parliament to pursue its own course (Boderie, i. 23, 24, 79—81). The next day, the bills received the royal assent; and another proclamation, soon after published, ordered the catholic missionaries instantly to quit the country (See Appendix, No. XXII.).

fore, the better to discover and secure the affections of his catholic subjects, he was put upon a method, 1605 which, as it was imagined, would be very serviceable to that purpose ;[1] though, indeed, it was of no other use, than to render them more contemptible and more ob-

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To shew in what manner James, in spite of his declarations, was really affected on the subject of these laws, I will conclude this note with the following extract from the journals of the house of commons :—

" February 7. The lords propounded more strict articles than did arise from this house.

" *The king's meditation, touching these articles ;—*

" The ground :—in repressing of heresies in spiritual causes, the sting of the law to the heresy.

" Three sorts,—1o. Papists, old, rooted, and rotten : 2o. Novelists, the greatest danger : 3o. The youth, the future tense of the papists.

" The first, like queen Mary's priests, small hope to reclaim them. Rather superstitious than seditious—To be disarmed—No place of magistracy—Left to the old laws.

" The second, apostates.—Most malignant—To be sifted by oaths both before and after—Law of reconcilement to extend to other countries, as well as in England.

" The third,—Take care of marriages and christenings—Nip them in bud—The beginning of procreation the action—Priests in hold to be banished within a time—After that, the law to be executed with all severity " (Journals, i. 265).—Such was the manner, in which James could really goad the cruelty of that parliament, whose violence he was pretending to have checked !—*T.*]

[1] [This, indeed, was the motive assigned by James himself for the contrivance of the oath. " What a monstrous, rare, nay, never-heard-of treacherous attempt," says he, " was plotted, within these few years, here in England, for the destruction of me, my bed-fellow, and our posterity, the whole house of parliament, and a great number of good subjects, of all sorts and degrees, is so famous already through the whole world by the infamy thereof, as it is needless to be repeated or published any more ; the horror of the sin itself doth so loudly proclaim it. * * * What proceeded hereupon is likewise notorious to the whole world ; our justice only taking hold upon the offenders, and that in as honourable and public a form of trial as ever was used in this kingdom.

" For, although the only reason they gave, for plotting so heinous an attempt, was the zeal they carried to the Romish religion, yet were never any other of that profession the worse used for that cause ; as by our gracious proclamation, immediately after the discovery of the said fact, doth plainly appear : only, at the next sitting down again of parliament, were there laws made, setting down some such orders as were thought fit for preventing the like mischief for the time to come ; amongst which, a form of oath was framed, to be taken by all my subjects, whereby they should make clear profession of their resolution faithfully to persist in obedience unto me, according to their natural allegiance, —to the end that I might hereby make a separation, not only between all my good subjects in general, and unfaithful traitors that intended to withdraw themselves from my obedience, but, specially, to make a separation between so many of my subjects who, although they were otherwise popishly affected, yet retained in their hearts the print of their natural duty to their sovereign, and those who, being carried away with the like fanatical zeal that the powder traitors were, could not contain themselves within the bounds of their natural allegiance, but thought diversity of religion a safe pretext for all kind of treasons and rebellions against their sovereign. Which godly and wise intent God did

noxious to the penalty of the laws. The method proposed was the form of an oath, which was to be the test of civil allegiance. But then it was drawn up in such ambiguous terms, that a tender conscience, the best disposed towards paying civil allegiance, could not digest it. The wording of the oath was chiefly committed to archbishop Bancroft, who, with the assistance of Christopher Perkins, a renegado jesuit,[1] so calculated

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bless with success accordingly: for very many of my subjects that were popishly affected, as well priests as laics, did freely take the same oath; whereby they both gave me occasion to think the better of their fidelity, and likewise freed themselves of that heavy slander, that, although they were fellow-professors of one religion with the powder traitors, yet they were not joined with them in treasonable courses against their sovereign; whereby all quiet-minded papists were put out of despair, and I gave a good proof that I intended no persecution against them for conscience' cause, but only desired to be secured of them for civil obedience, which, for conscience' cause, they were bound to perform" (Apologie for the oath, 1—4).

How James could have ventured to write this is scarcely conceivable. Had the oath, with the accompanying penalty of premunire for its refusal, been the only addition made by the monarch to the penal statutes, there might have been some colourable pretext for his assertion: but, when the reader shall look back to the long and frightful code described in the preceding note; when he shall call to mind the fact, that, of the provisions there embodied, some of the most intolerant were suggested by James himself; and when, above all, he shall remember that the parties who took the oath were freed only from the single penalty attached to its refusal, and were still liable to all and each of the remaining pains and forfeitures prescribed by the recent statutes, he will not only condemn the king of dishonesty in his present declaration, but will also, perhaps, be tempted to question the veracity of that statement, which would assign a benevolent or an innocent motive to the introduction of the oath.—*T.*]

[1] [Wood, Fasti Oxon. i. 95.—Yet, as soon as the oath was mentioned, before it had been finally adopted by parliament, and consequently before he could have known what it really contained, father Persons addressed a memorial to Bellarmine, declaring that it was taken from the writings of *the appellant priests*, and requesting the cardinal not only to compel Cecil and Champney, two of the appellants, who were then at Rome, to subscribe and send to England a written protestation against it, but also to exert his influence in procuring a formal sentence, declaring the doctrine, which denied the temporal authority of the pope, to be false and heretical. The reason assigned for the proposed method of proceeding with Cecil and Champney is curious. It is not the doctrine contained, or supposed to be contained, in the oath; it is not the necessity of counteracting the effects of their alleged writings on the subject; but it is, that the king will be thereby induced to withdraw the partial indulgence, which he is supposed to have conceded to some of the clergy, and, on this subject, at least, will have an equal motive for unsparing severity against all:—"accioche, visto (il scritto) del rè e delli suoi consiglieri, intendessero che tutti sacerdoti sono del medesimo parere in questa materia, *e cosi non potrébbono perseguitare l'uni più che l'altri, per questa causa.*" See the Memorial, in the Appendix, No. XXIII.—It is dated in Rome, on the 18th of May, 1606: the bill containing the oath was not passed in London until nine days afterwards. —*T.*]

the whole to the designs of the ministry, that they met with the desired effect; which was, first, to divide the catholics about the lawfulness of the oath; secondly, to expose them to daily prosecutions in case of refusal, and, in consequence of this, to misrepresent them, as disaffected persons, and of unsound principles in regard of civil government.[1] When this oath was first imposed

[1] [The reader has already seen the oath in the statute printed in the appendix (No. XX.). If we may believe Bancroft (Widdrington's New Year's Gift to Catholics, 11, 33, 34), it was intended to be framed in accordance with the Protestation of Allegiance, drawn up and presented to Elizabeth by Dr. Bishop and his companions, in 1603 (See this History, iii. 55). But the prelate and his assistant, Perkins, were not content with a simple denial of the deposing power, attributed by some theologians to the pope: they placed the doctrine which maintained it in the same category as that of murdering a deprived king: they characterised both as "impious, heretical, and damnable"; and, by this means, they furnished the opponents of the oath with a plausible pretext for refusing it. At the same time, it must not be concealed, that the real objection to the oath, on the part of the pontiff and his adherents, was, not to the terms in which the deposing power was denied, but to the rejection itself of that temporal superiority, which had been claimed by the Roman see. They maintained that the right, under certain circumstances, of dethroning an heretical prince, was included in that general commission of superintendence, which the chief pastor had received from Christ. Hence, to reject the temporal authority of the pontiff, was, in their eyes, to reject the ordinance of God; to question his absolute power to dispose of kingdoms for the benefit of religion, was rather to broach a heresy, than to hazard an opinion (Bellarm. de Rom. Pont. lib. v. c. 1); and there can be little doubt, therefore, that, even if the catholics had petitioned, and James had listened to their petition, for the removal of the obnoxious epithets to which I have referred, sufficient would still have been found in the disclaimer of the doctrine itself, to call down the denunciations of its foreign opponents on the oath. "Most certain it is," says Bellarmine, as translated by the king, in his Apologie, "that, in whatsoever words the oath is conceived by the adversaries of the faith in that kingdom, it tends to this end, that the authority of the head of the church, in England, may be transferred from the successor of St. Peter to the successor of king Henry the Eighth" (Letter to Blackwell, in Apologie, 38). In the same manner, Persons, writing from Rome, and referring to an assertion of James, with which the reader is already acquainted, thus expresses himself:—"As for that multitude of priests and laics, which, he saith, 'have freely taken the oath,' as their freedom was that which now I have mentioned" (the freedom of the merchant, who casts his goods overboard in a storm, to save his vessel), "and a principal motive, as may be presumed, the desire they had to give his majesty satisfaction, and deliver themselves and others, so much as lay in them, from that inference of disloyal meaning, which, upon the denial thereof, some do use to make, so I cannot but in charity assure myself that they, being catholics, took the said oath (for so much as concerneth the pope's authority in dealing with temporal princes) in some such lawful sense and interpretation, as, being by them expressed and accepted by the magistrate, may stand with the integrity and sincerity of true catholic doctrine and faith, to wit, that the pope hath not authority, *without just cause*, to proceed against them. * * * To deny simply and absolutely that the pope, as supreme pastor of the catholic church, hath any

July 5, 1606 upon the catholics, which was in the year 1606, several persons of authority and distinction, both among the ecclesiastics and laity, had frequent meetings about it. Mr. Blackwell, the archpriest, with several of the clergy and laity who paid a great deference to his learning and judgment, submitted to the oath. Of the same opinion was father Preston, a learned benedictine monk, and superior of his order, who drew several of his brethren after him. Soon after, the case being drawn up, and a copy of the oath sent to Rome, two briefs, or apostolic letters, were directed by his holiness to the English catholics; whereby the oath was declared to be unlawful. Several, indeed, recanted upon this intimation: but still there was a party, that not only stood by their former resolution, but confirmed the practice by learned treatises, they published upon the subject; which were replied to, as well by English mis-

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authority left him by Christ, either directly or indirectly, with cause or without cause, in never so great a necessity, or for never so great and public an utility of the christian religion, to proceed against any prince whatsoever temporally, for his restraint or amendment, or to permit other princes to do the same, this, I suppose, was never their meaning that took the oath; for that they should thereby contradict the general consent of all catholic divines, and confess that God's providence, for the conservation and preservation of his church and kingdom upon earth, had been defectuous" (Judgment of a Catholic Englishman, n. 30, 31).

I will add a passage from another writer, which, though of a later date, still shews distinctly where the real objections lay. It occurs in a letter addressed by father Wilford, at Rome, to the well-known father Leander:—"I fear," says he, "some other form of oath must be thought upon, whereby his majesty may abundantly and superabundantly, if anything can superabound in this kind, be secured of his subjects' fidelity, and yet there be no entrenching upon subjects' conscience, nor the authority of this seat, *which, having stood for her rights so many ages, in the cause of deposing princes, will be very unwilling to permit the oath, as the words lie,* although glossed with another intention. * * * Take heed of meddling with deponibility of princes, for that article will never pass here" (Clarendon Papers, i. 272).

[It ought, however, to be remarked, that, if we may believe James himself, though he was careful to oppose the temporal claims of the Roman see, he was not less solicitous to abstain from trenching on its really spiritual authority. He tells us that, when the oath was first discussed in the commons, a clause was inserted, denying the authority of the pope to excommunicate princes; that this was mentioned to him; but that, satisfied with a rejection of the deposing power, he immediately caused the passage to be struck out:—"So careful was I," says he, "that nothing should be contained in this oath, except the profession of natural allegiance, and civil and temporal obedience, with a promise to resist to all contrary uncivil violence." Premonition to the Apologie, 9.—*T.*]

sioners of a contrary sentiment, as by several foreign divines, who took part in the quarrel.[1] This controversy

[1] [Some remarks are necessary in this place. 1°. By Blackwell's having "submitted to the oath," Dodd can mean no more than that he pronounced in favour of its lawfulness. He did not take it, until the following year.

2°. Father Preston is the person who, in the controversy concerning the oath, is generally known as Roger Widdrington. He was at first opposed to the doctrine of the oath; but afterwards became the principal writer in its defence, and was the author of several works, which will be mentioned in his life.

3°. Though parliament had been prorogued on the twenty-seventh of May, it was not until the twenty-fifth of June that the statutes, mentioned in a preceding note, were published. Of the catholics, some, who had already prepared to fly from the coming storm, hastened to seek an asylum, or to find their last home, on a foreign shore: others, unable to remove, or unwilling to shrink from the trial, remained to animate each other for the approaching conflict; while hundreds, roused into energy by the very cruelty that was intended to oppress them, flung aside the indifference which had hitherto concealed their belief, and boldly avowed their religion to the world. "Quant aux pauvres catholiques d'ici, * * * il est incroyable du grand nombre qu'il y en a encore, et de la resolution en laquelle sont la plupart, de tout souffrir, plutôt que de déserter la religion, et désemparer" (Boderie, i. 121). "Beaucoup de catholiques se préparent à s'en aller: voire y en a de si vieux, que je vois ne chercher qu' une terre étrangere pour s'enterrer; et néanmoins si en reste-t-il encore un si grand nombre, qui ne s'étonnent point de toutes ses menaces, que c'est certes chose admirable. Je n'eusse jamais cru qu'il se fût encore trouvé tant de ferveur et tant de zéle en notre religion. Particuliérement, la plupart des dames de qualité sont catholiques, et n'y en a pas une qui ne cache chez elle un prêtre, qui sert pour elle et pour tous autres que bon lui semble" (Ibid. 161, 162). "Hier seulement ils publierent et mirent en vente les actes de leur parlement, * * * étant impossible qu'ils ne causent de grands désespoirs, et, par conséquent, de très périlleuses résolutions. Car tant s'en faut que cela fasse perdre cœur aux dits catholiques, qu'il semble qu'ils s'en animent davantage; et au lieu de retirer de la dite religion ceux qui sont reconnus d'en être, il s'en declare, tous les jours, qui ne le paroissoient point auparavant" (Ibid. 177, 178).

But though the general body of the catholics was thus resolute, there wanted not individuals, who, to escape the penalties, were willing to comply with many of the provisions, of the new statutes. Of the unlawfulness of attending the worship of the established church, there was little question: but the subject of the oath was more doubtful; and to decide its real merits necessarily became a matter of the highest consequence. Unfortunately, the clergy themselves were divided in their opinions. Some maintained that the oath might be taken as it stood: others thought that reservations or protestations might be adopted, to save the authority of the pope: while a third party, firm in its resolution to submit to no compromise, loudly condemned both its principles and its object, and declared that no conditional acceptation could render it lawful. At first, and before it was published, the archpriest himself was among the most violent of its opponents. It was in vain that Holtby, who had succeeded Garnet as superior of the jesuits, sought to moderate his impetuosity: it was in vain that Mush and others of the clergy suggested the expedient of a conference, or prayed that the matter might be referred to the decision of the holy see. For some time, he continued to resist every effort, whether of reason or of persuasion: but suddenly a new light seemed to flash upon his mind, and he at once

was carried on, the greatest part of king James the First's reign; though with some respite, accordingly as

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became as zealous in his advocacy, as he had before been vehement in his condemnation, of the oath. With much difficulty he was now induced to submit the question in dispute to the consideration of a select number of the clergy. Early in June, 1606, the fathers Preston and Holtby, with the three assistants, Bishop, Mush, and Broughton, assembled at his residence in London. But it was soon discovered that the parties, or their opinions, were equally divided. On one side, were Preston, Holtby, and Mush; on the other, Bishop, Broughton, and the archpriest himself. The former, of course, condemned, the latter defended, the doctrines of the oath; and, as neither would yield to the reasonings of their opponents, the meeting separated abruptly, and the controversy was ultimately laid before the pope. (See Appendix, No. XXIV.).

Paul had already been urged by the jesuits of Flanders to lay aside the forbearance which he had hitherto exercised towards the English monarch. By the king of France, on the other hand, he had been admonished to persevere in the conciliating course, on which he had entered, to refrain from every exasperating act, and to give James no pretext for the adoption of measures, that might ultimately prove fatal to the existence of the catholic religion in England (Boderie, i. 150). The pontiff not unwillingly leaned to the advice of his royal counsellor. While the parliament was still sitting, he despatched a secret agent to the court of James with one of the letters mentioned in a preceding note (page 64, ante), and with instructions to solicit the interposition of the sovereign between the indiscriminate vengeance of the legislature, and the unoffending body of the catholics. James received the envoy with kindness (June): but his answer was cautious and discouraging; and the messenger returned to Rome, only to announce the failure of his mission (Boderie, i. 284, 300, 327). Almost at the same moment, two jesuits, the deputies of their order resident in Brussels, arrived at the Roman court. They were the bearers of an address to the pontiff; and were commissioned to rouse him to the adoption of some speedy and energetic measures against the English king (Ibid. 200). Paul was not in a disposition to resist the appeal. After a short struggle, he yielded to the clamours by which he was assailed; and, on the twenty-second of September, 1606, signed a breve, forbidding all catholics to attend the protestant churches, and pronouncing the oath to be unlawful, as "containing many things contrary to faith and salvation" (See Appendix, No. XXV.).

By what means, or through what channel, this instrument was conveyed to Blackwell, is uncertain. More, indeed, tells us (346) that it was placed in his hands by Holtby, the very man, with whom, as superior of the jesuits, he had been specially forbidden to communicate in such matters. On the other hand, Blackwell himself merely says, that it was not directed in particular to him, and that he received it only "as others likewise had." At all events, however, the irregularity evident in the mode of its transmission, coupled with the vagueness and ambiguity of the language employed in the condemnation of the oath, seems to have operated on the mind of the archpriest; and, though he shewed it to a few of his immediate friends, he cautiously abstained from publishing it to his flock (See James's Apologie, 30; and Blackwell's fifth examination, in the Appendix, No. XXVI.). Still, its existence soon became known to the government. James, in fact, had been acquainted, from the first, with the means adopted to procure it (Boderie, i. 201); and he now proceeded to manifest his resentment, by ordering the oath to be indiscriminately administered to all catholics. As the king of France had predicted, the persecution again raged with renewed fury. Of the laity, all who ventured to refuse the

the oath happened to be pressed, more or less, by the ministry. There was no remarkable occasion for re-

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oath were endicted at the assizes, and condemned in the penalties of premunire: of the clergy, three, who had been tried for returning into the realm, were summoned to take it, and, in default of compliance, were condemned and ordered to be executed. From this fate Davies and another were fortunate enough to escape, through the special intercession of the prince of Joinville and the French ambassador: but Drury, the third, had been found in possession of a letter, written by Persons in opposition to the oath; and neither the prayers nor the entreaties of Boderie could avert the death to which he was consigned (Harl. Miscell. iii. 36—45; Boderie, ii. 102—104, 255. See also in the Appendix, No. XXVII., the sketch of a plan for purchasing a mitigation of the late statutes, by means of money to be borrowed or obtained from the Spanish government).

In the meantime, information had been conveyed to Rome that the authenticity of the breve was disputed, and that, though many had refused, many also had consented, to take the obnoxious oath. On this account, another breve (August 23, 1607) was prepared and signed. It confirmed the instrument drawn up in the preceding year; acknowledged it as the act of the pontiff himself, and, still omitting to specify the objectionable passages in the oath, enjoined all catholics to accept and abide by the previous prohibition (See Appendix, No. XXVIII.). When this instrument arrived in England, Blackwell, who had fallen into the hands of the pursuivants, had not only taken the oath himself, but had also, by a public letter, recommended his people to imitate his example (See Appendix, No. XXIX.). Bellarmine and Persons hastened to remonstrate with him on the grievousness of his transgression: but the reasonings and the exhortations of his two monitors were alike ineffectual. He had sworn, he said, in the sense of the lawgiver: he had sworn in the sense avowed by himself, and accepted by the magistrate: he had denied, not the spiritual authority, but the temporal pretensions, of the pontiff; and, in so doing, he was warranted as well by the decisions of divines, as by the necessity of alleviating, if possible, the sufferings of his persecuted flock (See Appendix, No. XXX.). On the first of February, 1608, an instrument was signed at Rome, deposing him from his office of archpriest, and appointing George Birkhead to succeed him (See Appendix, No. XXXI.).

It was the folly of James to pride himself on his theological knowledge. For some weeks, he had laid aside his accustomed amusements: the affairs of state had been suspended; and it was known that, in the society of his chaplain and another divine, he was busily engaged in the production of some polemical work (Boderie, iii. 5). At length appeared his "Apologie for the Oath of Allegiance," a small tract, bearing also the quaint title of "Triplici Nodo triplex Cuneus," and written in answer to the two breves of the pope, and the letter of Bellarmine to Blackwell. The publication of this work gave the signal for a general controversy. Bellarmine and Persons immediately attacked it, the first, under the name of Mattheus Tortus, the second in a tract entitled "The Judgment of a Catholic Englishman, concerning king James's Apology for the Oath of Allegiance." James replied in a "Premonition to all christian Monarchs, free Princes, and States," prefixed to a new edition of the "Apologie:" Barlow, Andrews, Morton, Burhill, followed in the wake of the royal polemic: the catholic writers Widdrington, Warmington, and others, pursued a similar course; while Kellison, Fitzherbert, Walpole, Saurez, Becan, Eudæmon Joannes, and a host of less distinguished writers, flew to the aid of Persons and the cardinal, and with them combined to lay the foundations of that controversy, which, as Dodd has intimated, continued to agitate the catholics, at intervals, during the greater part of the century.

viving these debates, in the succeeding reign of king Charles I.; for, though there were still some remaining,

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Nor was it only as a matter of speculation, or a subject of argument, that the dispute was carried on. Though the compliance of Blackwell had failed to obtain his liberation, his example, which had been followed by several individuals among the clergy, his fellow prisoners, was quickly imitated by the laity who were at large; and numbers, in all parts of the kingdom, convinced in their own minds of the lawfulness of the oath, hastened to take it, with all its obnoxious clauses (Boderie, iii. 226, 227). By the great body of the clergy these persons were regarded as schismatics, and refused the benefit of the sacraments: they applied to Blackwell and the other prisoners in the Clink; and from them obtained what the opponents of the oath had withheld. Thus a schism was formed in the suffering remnant of the English church. To arrest its progress, a clause had been inserted in the breve, by which Blackwell had been deposed, and Birkhead substituted in his place, requiring the latter to admonish such of the clergy as had either taken, or pronounced it lawful to take, the oath; enjoining him to fix a period within which they should be bound to recant their errors; and ordering him, in case they should fail in their compliance, forthwith to deprive them of whatever faculties or privileges they had received from the holy see. But Birkhead, though he felt the necessity of obeying this ordinance, felt also the danger of engaging in harsh or precipitous measures. In the first instance (April 13, 1608), he contented himself with transmitting a copy of the breve to Blackwell. Finding, at the end of nearly three weeks, that it was still unnoticed, he addressed an affectionate letter (May 2) to all the advocates of the oath. He reminded them of the injunction conveyed to him by the late breve: assured them of the "corrosive sorrow and grief," with which, "against his own inclination," he was now compelled to proceed; and, having limited the term of their further trial to "the space of two months next ensuing the knowledge of the present admonition," concluded by exhorting them to spare him the painful duty imposed on him by the pope, and to return to their obedience to the holy see (See Appendix, No. XXXII.). But the resolution of the dissidents remained unshaken. Obedience, they maintained, was not the question. The oath was lawful in itself: the declaration of the pope was insufficient to render it unlawful; and breves, which, like the present, were founded on false assumptions, and calculated to deprive the king of the just allegiance of his people, could never maintain a legitimate claim to their obedience (Widdrington's New Year's Gift to Catholics, 141—147). The prescribed period of two months expired. Still, Birkhead hesitated to pronounce a censure, which might only confirm its objects in their determination to resist, and would, in all probability, rouse the government to renewed acts of persecution. The king, in fact, irritated by the publication of the breves, and enraged at the subsequent deposition of Blackwell, had already (April 29) issued a proclamation, commanding the oath to be tendered to every person coming from beyond the seas (Stowe, 893). In addition to this, three priests, Flathers, Gervase, and Thomas Garnet, condemned for the exercise of their functions, had been ordered to take the oath. They had refused to comply, and had expiated their offence upon the gallows (Challoner, ii. 19—26). Birkhead naturally shrunk from the responsibility of aggravating the resentment, thus awfully manifested against his brethren. Yet the zealots of his communion urged him to proceed. The more violent charged him with abetting "the clinkers;" the more unscrupulous hesitated not to carry their accusations to Rome, and to denounce both him and his assistants as the approvers of the oath. It was in vain that he applied, through his agent, for advice from the Roman court: it was in vain that he described the miseries and dissensions of his people, and

who were advocates for the oath, yet they were very much diminished, and were not disposed to disturb the

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requested the pontiff to pronounce that sentence in Rome, which it was neither safe nor prudent for him to pronounce here. Even to a request, that, for the satisfaction of the government and the country, the catholics might be enjoined, by a special breve, to abstain from all treasonable attempts, and to manifest towards their sovereign the true allegiance of dutiful and faithful subjects, no answer was returned; and he was at length (August 16, 1611) compelled, after more than three years of delay, to notify to his assistants and to the catholic body, that the parties in question had been deprived of their faculties (See Appendix, No. XXXIII.). Blackwell lived only till the beginning of the year 1613; but the subject of dissension still survived; and, if the oath was refused by the majority of the catholic body, it was frequently taken by individuals, who felt no desire to suffer in defence of claims, which they conscientiously rejected.

On the other transactions, connected with the oath, it is necessary to add a few words. The year 1609, a singular and solitary exception to all the years that had elapsed since 1580, was suffered to pass without the infliction of death for religion. An instance of clemency so unwonted naturally awakened the hopes of the catholics: but it also roused the anger of their enemies; and, though the penalties of recusancy had been rigidly enforced, though the recorder himself declared that, at the very last sessions, no less than one hundred citizens alone had been endicted under the statute (Commons' Journ. i. 432), yet one of the first cries, on the assembling of parliament in 1610, was, for measures of increased severity against this persecuted people. On Monday, the twenty-eighth of May, the two houses addressed the king in separate petitions, praying that a proclamation might forthwith issue against priests, jesuits, and recusants (Journals, of Lords, ii. 601; of Commons, i. 433). Five days later (June 2), the proclamation appeared. It enjoined all catholics to quit London, before the last day of the month; ordered whatever arms, armour, or ammunition they might possess to be taken from them; commanded all priests and jesuits to leave the kingdom within four weeks from the date of its publication; and, finally, required the bishops, justices, and other officers, to be diligent in tendering the oath to all persons within their respective jurisdictions (See Appendix, No. XXXIV.). At the same time, an act, intended specially to support the last clause of the proclamation, was passed. It provided that all peers, privy-counsellors, and members of either house of parliament, all archbishops, bishops, clergymen, and ecclesiastical officers, all ministers of justice, all members of the universities and of the inns of court, the officers of state, the persons attached to the royal household, all naval and military commanders, all members of the two professions of law and physic, and generally all persons, of both sexes, above the age of eighteen years, should take the oath, within six months after the close of the present session of parliament: it awarded the penalty of premunire against any person who should venture to disobey it; and, for the "reformation of married women recusants," it ordained that they should be committed to prison, there to remain, until either they should conform and receive the sacrament in the church, or their husbands should purchase their liberty, by the payment of a monthly fine of ten pounds to the government (Stat. 7 Jac. I. c. 6). It is in reference to this statute, and to the infamous proceedings to which it gave rise, that Birkhead, writing soon after, says,—"If matters proceed in execution as the parliament hath defined, there will be no means for a catholic to live in this realm. They must now pay for their wives £10 a month. Every fortnight, the justices are to offer the oath; which, I fear, will cause a number to stagger. All justices must be sworn to

public by unseasonable debates. Besides, there was, at this time, something in agitation concerning a new oath

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execute the laws against us. Men must bring in their recusant wives (noblemen to the bishops, and all other to the justices); and so be put in prison, and *their husbands shall have free liberty to relinquish them*" (Fragment of original letter, in my possession). In another letter, he adds,—"This commission given out to the justices, for taking the oath of all men, putteth all our lay catholics to much distress. You will not believe what tricks are used, to make them think that both myself and divers of our sort do suppose it may be taken: for some impiously disposed counterfeit letters in mine and their names, to that end, and carry them about the country, to shew them to the weaker sort; which hath been the cause that many have adventured to take it. * * * The oath is now most hotly exacted, as it lieth; and I fear that many will shrink. Some catholics, to avoid that, invented some modifications, hoping to draw the king thereto; but they say that none will be admitted. * * * Some again, God be thanked, stand stoutly to it, and will venture the loss of all before they take the oath. Yet every man offereth to take the old oath of allegiance; but they cannot be heard" (Original, Aug. 25, 1610, in my possession. See also Appendix, No. XXXV.).

In this willingness "to take the old oath," the reader will easily discover the vindication even of those catholics, who were the most resolute in rejecting the declaration prescribed by the recent statute of king James. Their conduct was influenced by religious scruples, not by political disaffection. The oath which confined itself to what alone the government had a right to demand, an expression of civil allegiance, they were willing to adopt. But the new oath travelled beyond its legitimate purpose. It spoke of points of doctrine, and articles of faith: it contained "many things" to which the supreme pastor had declared that they could not conscientiously subscribe; and hence, although in several instances their own judgments convinced them of its lawfulness, yet, like Needham, they felt the duty of obedience, and preferred rather to sacrifice their lives, than to oppose the decision of their superior (See Appendix, No. XXXVI.). Unfortunately, however, the pope, when he condemned the oath, had omitted to specify the points to which he objected. Thus a foundation was laid for most of the dissension that ensued; and thus a pretext was afforded to the government, not only for enforcing the oath in its existing form, but also for questioning the loyalty of those who might refuse to take it (See however some of their examinations and answers in the Appendix, No. XXXVII.). It was the view of these evils that first suggested to eight clergymen, prisoners in Newgate, the idea of addressing the pontiff, and seeking an explanation of the breves. In the most affecting terms, they described the sufferings endured by themselves and their people, for the refusal of the oath: they spoke of the gaols crowded with inmates, of the scaffolds flowing with the blood of victims; and they implored the chief pastor, by the blood of the martyrs and by the bowels of their Redeemer, to take pity on them in their affliction, and to specify those parts of the oath, which rendered it unlawful to be taken (See Appendix, No. XXXVIII.). To this appeal, so touching, so just, so reasonable, no answer was returned. The court of Rome, as Bossuet observes, was afraid lest explanation might overthrow its claims to temporal jurisdiction (Defens. Declar. Cleri Gallic. lib. viii. c. 23): and James, therefore, was still left to upbraid the pope for a silence, as unwise in regard of the government, as it was injurious to the interests of the catholics:—"In this respect," says the monarch, "he hath dealt both indiscreetly with me, and injuriously with his own catholics;—with me, in not refuting particularly what special words he quarrelled with in that oath; which if he had done, it might have been that, for the fatherly care I

of allegiance, better adapted to the circumstances of catholics. It was to contain no ambiguous and ensnaring clauses, to be fully expressive of the duty of civil allegiance, and no ways encroaching upon the spiritual jurisdiction of the bishop of Rome. How this scheme came to be dropped, I shall have occasion to take notice in another place. In the mean time, it was a kind of amusement, and diverted men's thoughts from contending about the former oath.[1] During the time of the civil wars, and Cromwell's usurpation, the nation was employed about controversies and oaths of another kind. After the restoration, the catholics remained undisturbed for a while. They had distinguished themselves so remarkably in the royal cause, during the late troubles, that there was no pretence to make experiments of their loyalty by oaths, or other unseasonable assurance of their fidelity. Yet, in a little time, when jealousy had seized a great many in the nation, that popery was flowing in upon them, and Titus Oates and his confederates had worked up matters to the consistency of a plot, it was thought a proper time to make use of the old expedient of the oath of allegiance. This engaged the catholics once more in the controversy, and divided them as formerly; though the number of those, that stood up for the oath, was very inconsiderable. It plainly appeared that the oath was never designed to be a test of allegiance, but a state trick, to squeeze money from the party, and nourish an opinion in the common people, that they were enemies to the

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have, not to put any of my subjects to a needless extremity, I might have been contented in some sort to have reformed or interpreted those words: with his own catholics, for either, if I had so done, they had been thereby fully eased in that business, or at least, if I would not have condescended to have altered anything in the said oath, yet would thereby some appearance or shadow of excuse have been left unto them for refusing the same; not as seeming thereby to swerve from their obedience and allegiance unto me, but only being stayed from taking the same, upon the scrupulous tenderness of their consciences, in regard of those particular words, which the pope had noted and condemned therein" (Apologie for the Oath, 7, 8).—Whatever may have been the insincerity of James, it is painful to reflect on the truth of these remarks.—*T.*]

[1] [A copy of the proposed oath may be seen in "Blackloe's Cabal," 49, 50. The history of the transaction, to which it belongs, will be given under the succeeding reign.—*T.*]

civil government. It was contrary to the desire, or intention of the ministry, that any of them should take the oath. The vulgar were made to believe that catholics were persons without either honour or conscience; in which case an oath is an useless expedient. Where concience is taken as a rule, that alone prompts every man to comply with his duty; and where that rule is disregarded, an oath will not bind. It is true, the oath expressed a disclaim of papal dispensations: but still there might be room for a supervening dispensation, to cancel the obligation of the pretended disclaim; in which case the government is still at a loss for the subject's allegiance.

This way of reasoning might appear to be mere speculation, had not Barlow, bishop of Lincoln, recommended it to the world, as a kind of system among the catholics, and alleged the behaviour of those, that suffered on account of Oates's plot, as an instance; whose dying speeches and protestations of innocence, as he pretends, were not to be regarded, by reason of certain dispensations, they were provided with, to wash away the guilt of lying and equivocating, even at the moment they were making their exit.[1] These, and such like considerations are a sufficient proof, that the design of pressing the oath was far otherwise, than what was pretended. Again, those who complied so far, as to take the oath, found little or no advantage by it. They were further urged with the oath of supremacy, the refusal whereof not only made their civil allegiance suspected, but rendered them obnoxious to many penal, and even sanguinary laws.

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[1] [Dr. Thomas Barlow, who succeeded Fuller, in 1675. The charges, here cited by Dodd, are contained in pages 79 *et seq.* of his work entitled, "Popery, or the Principles and Positions approved by the Church of Rome are very dangerous to all; and to Protestant Kings and supreme powers more especially pernicious, &c. In a letter to a Person of Honour, 4to. London, 1678." It was answered by Lord Castlemain, in his "Compendium, or a Short View of the late Trials in relation to the present Plot against his Majesty and the Government, 4to. London, 1679"; and by Peter Walsh, a franciscan, in "Four Letters on several Subjects to Persons of Quality; the fourth being an Answer to the Lord Bishop of Lincoln's book, entitled 'Popery,' &c. 1686."—*T.*]

These considerations, together with the discovery of Dr. Otes's forgeries, put an end, in a great measure, to the debates among catholics, concerning the oath of allegiance; the source whereof was entirely dried up, at the revolution, in 1688; for then, the oath being abrogated, another was appointed in its place.[1] The wisdom of the nation observed, that the old oath of allegiance was not well calculated to answer the present posture of affairs. The ministry, therefore, in order to gain the catholics, were willing to omit such clauses, as bore too hard upon the pope's spiritual jurisdiction, and which seemed not necessary to express a civil allegiance. Another thing they had in view was, to disappoint both protestants and others, that were enemies to the revolution; lest they might extend that clause, which specified allegiance to the king's *heirs and successors*, to the case of *the prince of Wales*, whose legitimacy as they were not disposed to enquire into, so it was not thought proper to continue an oath, which might give a handle to the great sticklers for hereditary succession. Upon this account, a bare oath of allegiance was agreed upon; expressing no more than what the word "allegiance" imported, according to the usual acceptation of that term among the learned.

Before the close of this article, it will not, perhaps, be disagreeable to the reader, if I touch, in general, those arguments, whereby the contending parties endeavoured to support themselves in their practice, while the controversy was a-foot. Those, that appeared for the oath, undertook to prove that civil allegiance was a natural duty, which no ecclesiastical power on earth could dispense with,—it being a received doctrine among

[1] [It may, however, be added that, six years before this period, the whole question had been decided by the Gallican clergy, who, in the first article of their celebrated "Declaration", had resolved that "the power, entrusted by Christ to St. Peter and his successors, related to spiritual, not to temporal, concerns; that, in civil matters, kings and princes were not subject to the ecclesiastical authorities; that they could not, either directly or indirectly, be deposed by the power of the keys; and that, of course, their subjects could not be absolved, either from the duty of obedience, or from the oaths of allegiance which they had taken." This doctrine is now universally received.—*T.*]

catholic divines, that the laws of God and nature were out of the reach of human dispensations: that the oath imposed imported no more than a civil and natural duty, as the lawgivers themselves were ready to attest: that no part of the oath was contrary to the doctrine of the church of Rome: that the pope's deposing power (the chief point, which gave offence) was only the particular opinion of some divines, and far from being the doctrine of the universal church: that the substance of the oath was approved of, and practised, in the Gallican church; (and why should the catholics of England be exposed to confiscations and ruin, upon account of opinions and practices, which were allowed of among other good catholics abroad?) that, in fine, the bishop of Rome's letters and prohibitions were only to be regarded, where faith was concerned; which seemed not to be the present case.[1] Those, that opposed the oath,

[1] [This part of the argument is not correctly stated. The advocates of the oath maintained that the two breves of Paul V. were simply declarative; that all declarative instruments necessarily supposed the existence of some law, on which they were founded; that on the truth or correctness of this supposition depended their whole power of binding the conscience of the subject; and, consequently, that, "if in the oath there were nothing against faith or salvation, as the breves supposed and declared, those breves could have no force to bind English catholics not to take the oath" (Widdrington's New Year's Gift, 140—142). I should add that, besides these general arguments, particular objections were also raised to the manner in which the breves had been obtained. Carey, the author of "The Catechist Catechised," writing to a friend, in 1682, thus glances at this part of the subject:—"Admit now," says he, "that the former breves of Paul V. were duly published, *as it is certain they were not*, and so want that force of obliging, it seems manifest that Paul V. was surprised by the sinister suggestions of others,—First, in the translation of the oath into Latin; for, whereas the swearer is, by this oath, to take every word in its plain and common sense, and the plain and common sense of the English word '*murther*' ever importing such a killing as is against the known law of God, delivered unto us by holy church (to teach which as lawful is a position manifestly heretical), the translator renders it into Latin by the word '*occidi*,' which is a general term, and may be taken either for a just or unjust destruction of man's life; and so leaves it doubtful whether to teach it to be lawful be heretical or not: wherefore, upon this account, the oath forbidden is not our oath of allegiance:—Secondly, all, who have employed their pens against this oath, do pretend that the pope's real power is taken away by it; some that his power of excommunication" (Bellarmine in his "Tortus," p. 9), "others that the power of binding and absolving in general; and cardinal Bellarmine, throughout his whole letter to Mr. Blackwell, declares that the primacy of the holy see is destroyed; and yet, not one word of this sound is to be seen in any part of the oath:—Thirdly, Paul V., in his first breve, giving the reason of his prohibition, declares that in this oath are contained many things which are contrary

alleged that, though civil allegiance was a natural duty, yet there might be a demur in paying it, when the manner of exacting it encroached upon duties of a higher nature: that the spiritual power was independent, and, in some cases, superior to the civil power: that, where the limits of each power were under debate, great regard ought to be had to the rights of the church, the economy whereof was certainly a divine institution: that there were not so many inconveniences attending a deposing power in the pope, as in the people, and that the latter was often practised by protestants, when either their church, or liberties seemed to be in danger: that, though the doctrine of deposing princes, in extraordinary cases (viz., where church and liberties were in danger), was not designed to be an article of faith, yet it was far from truth, to swear that that opinion was *damnable and heretical*, as the oath expressed it: that the bishop of Rome had a right to inspect and pronounce upon oaths, as being spiritual matters; especially when they seemed to encroach upon his jurisdiction, and upon articles of faith: that to disregard the pope's briefs, was not only a token of disrespect to the supreme pastor, but a manifest instance of disobedience: that, in fine, the see of Rome is the last resource in all such kind of controversies, which can be determined by no other way. These are the heads of what both parties produced in their defence; which may be seen at large in many learned volumes published upon the subject.

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to faith, and that it must 'evidently appear so to us by the words themselves.' Now, since it is so far from being evident to us that there is anything repugnant to faith in this oath, that no man could ever yet single it out, have we not reason to suspect that Paul V. was surprised? And so, supported by the justice of Alexander the third's letter, now in the canon" (si quando aliqua tuæ fraternitati dirigimus quæ animum exasperare videntur, turbari non debes. Qualitatem negotii pro quo tibi scribitur considerans, aut mandatum nostrum reverenter adimpleas, aut per literas tuas, quare adimplere non possis, rationabilem causam prætendas; quia patienter sustinebimus, si non feceris quod pravâ nobis fuerit insinuatione suggestum,—cap. *Si quando, in Rescrip.*), "have we not cause to suspend our compliance with these breves, until his holiness, through his pastoral care, shall declare what in this oath is repugnant to that faith, for the defence of which liberty, goods, and life must all be renounced?" Carey's own copy, among the Paris Seminary MSS. i. 3. *T.*]

# ARTICLE V.

COLLEGES AND MONASTERIES ERECTED ABROAD.—ENGLISH BENEDICTINE MISSION—ITS HOUSES AT DOUAY AND DIEULEWART—OPPOSED BY THE JESUITS—CHARGES ADVANCED BY FATHER PERSONS—THEY ARE REFUTED BY FATHER ANSELM—THE BENEDICTINES REVIVE THE ENGLISH CONGREGATION OF THEIR ORDER—PROJECTED UNION OF THE ENGLISH, SPANISH, AND ITALIAN CONGREGATIONS—IT IS EFFECTED BETWEEN THE FORMER TWO—PROCEEDINGS OF THE DEFINITORS—THEY ARE CONFIRMED BY THE POPE—THE ENGLISH CONGREGATION RENOUNCES ITS DEPENDENCE ON THAT OF SPAIN—SKETCH OF ITS SUBSEQUENT HISTORY—BENEDICTINE MONASTERIES IN GERMANY—ESTABLISHMENT OF BENEDICTINE NUNS AT BRUSSELS—AT CAMBRAY—AT GHENT—ITS FOUNDATION AND SUBSEQUENT HISTORY—NAMES OF ITS RELIGIOUS—AUGUSTINIAN NUNS AT LOUVAIN—JESUITESSES—THEIR CONDUCT IS IMPEACHED—THEIR NEGOCIATIONS AT ROME—AND PECUNIARY DIFFICULTIES—THEIR INSTITUTE IS SUPPRESSED—CONVENT OF POOR CLARES AT GRAVELINES—AT BRUSSELS—ESTABLISHMENT OF THERESIANS AT ANTWERP—ITS FOUNDATION—CONTEST OF THE NUNS WITH THE FRIARS OF THE SAME ORDER—THE HOUSE IS PLACED UNDER THE SUPERINTENDENCE OF THE BISHOP—EDIFYING CHARACTER OF THE RELIGIOUS—THEIR NAMES—FRANCISCAN FRIARS AT DOUAY—THE ENGLISH PROVINCE OF THE ORDER RESTORED—FRANCISCAN NUNS AT GRAVELINES AND OTHER PLACES—ESTABLISHMENTS OF JESUITS—AT LOUVAIN—AT WATTEN—AT LIEGE—SKETCH OF THE FOUNDATION OF THOSE HOUSES—"HOUSE OF THE THIRD PROBATION" AT GHENT—SCOTS' COLLEGE AT PARIS—AT PONT-A-MOUSSON—AT DOUAY—IMPROPERLY CLAIMED BY THE JESUITS AS THEIR PROPERTY—ENGLISH COLLEGE AT LISBON—THE JESUITS SEEK TO OBTAIN IT—IT IS CONFIRMED TO THE CLERGY—THE FATHERS CONTINUE TO OBSTRUCT THE DESIGN OF THE FOUNDER—BUT ARE COMPELLED TO DESIST—THE HOUSE IS ERECTED—FURTHER OPPOSITION FROM THE FATHERS—THE FOUNDATION IS COMPLETED—SKETCH OF THE SITUATION—ARRAS COLLEGE IN THE UNIVERSITY OF PARIS—PROJECTED IN OPPOSITION TO A PROTESTANT COLLEGE AT CHELSEA—ITS FOUNDATION AND OBJECTS—APPOINTMENT OF THE BISHOP OF CHALCEDON—NATURE OF HIS JURISDICTION—INSTITUTION OF THE CHAPTER.

I HAVE formerly given an account of the several colleges established at Douay, Rome, Valladolid, &c., for the use of the secular clergy, who were the main body that supported the catholic cause in England, during the greatest part of queen Elizabeth's reign. By degrees, several religious orders engaged in the same labour, and found means to procure establishments for that purpose. The first, I shall make mention of, were the benedictine monks; according as their affairs and economy are described by a late author in the following words:[1]—

[1] [The disputed question, as to the origin of the benedictine order in England, has been alluded to in a preceding volume of this history (i. 28, 29, note).

"About the latter end of the sixteenth century, some English scholars, who studied in Italy and in Spain, becoming religious men in the congregations of Monte-Cassino and Valladolid,[1] Don Alfonso Coral, general of the congregation of Valladolid, and some other superiors of the same congregation, in the year 1603, made application to pope Clement VIII., to obtain leave to erect an English mission, of the English religious men who had professed in their congregation. The fathers of the congregation of Monte-Cassino joined with those of Valladolid, to pray the same favour for the English of their congregation; which the pope granted them, on the twentieth of March, the same year. Accordingly, religious men of those two congregations, of Monte-Cassino and Valladolid, were sent into England to act in concert, though they were of different congregations.[2] They made a sort of union among themselves, and engaged to act indifferently, under the orders of the superiors of the two congregations. Some time after, father Augustin of St. John, first vicar-general of the Spanish mission, procured the establishment of two houses for those English missioners; the one at Douay, in the Low-countries, and the other at Dieulewart, in Lorrain. The first of them was founded by Philip Caverel, regular abbot of St. Vedast of Arras, with the consent of his monks; upon condition that the said house should return to the abbey of Arras, whensoever it should please God to restore the catholic faith in England.[3] That of Dieulewart was given by the

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The reader, however, who is interested in the subject, would do well to compare, with the authorities there cited, the article inserted by Reyner in the "Apostolatus Benedictinorum," i. 204.—*T.*]

[1] [The first of those, who joined the congregation of Monte-Cassino, were Robert Sayers, Thomas Preston, father Anselm of Manchester, and Anthony Martin, afterwards known as father Athanasius: those who entered the Spanish congregation were father Augustin of St. John, whose secular name was Bradshaw, and the four martyrs, John Roberts, known in religion as father John of Mervinia, Mark Lambert, William Scot, and George Gervaise. Reyner, Tract. i. 242.—*T.*]

[2] [Those from Spain were sent under the charge of father Bradshaw; those from Italy under that of father Thomas Preston. Reyner, Tract. ii. 16.—*T.*]

[3] [Weldon is more circumstantial in his account of this foundation. Alarmed at the temper of the government, and fearful of the persecution likely to follow

cardinal Charles of Lorrain, in the year 1606, or rather the church, which before was collegiate (whence that

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the discovery of the gunpowder plot, father Bradshaw, the vicar-general of his order in England, had withdrawn from the country, and had taken up his abode at Douay. Hitherto the benedictine missioners had been exclusively educated either in Italy or in Spain: but the difficulty of communicating with those countries, and the want of a place of refuge nearer home, had long been felt by their superior; and he now resolved to employ himself, during the period of his exile, in establishing a convent and seminary in the neighbourhood of his present residence. His first step was, to procure a few sleeping apartments in Anchienne college: hence, however, he was soon enabled to remove to a more commodious dwelling, which he hired of the trinitarians; and, with a few fathers whom he had collected from the Spanish congregation, he at once began to lay the foundation of a regular community. At length, chance brought the monks to the notice of Philip Cavarel, abbot of St. Vedast. "This charitable and munificent prelate", says Weldon, "was busy, at this time, in building a college for the jesuits in Arras. As he went, one day, to see how the building advanced, he met there an old Welshman, John Ishel, chaplain of our Lady's, who was very seriously gazing upon the work. The abbot asked him what he thought of it? The chaplain replied, it was a stately fabric, and not misapplied; yet it was his opinion, that his lordship would do better to begin his charity towards his own order, and that there were at Douay a considerable number of English benedictines, that had not a house to put their heads in, nor wherewithal to subsist. This news", adds the writer, "made some impression on the abbot's mind:" it was followed, before the close of the year 1606, by letters of recommendation from the archduke Albert and the nuncio at Brussels; and, in a short time, the friendship and protection of the good prelate were permanently secured to the community. His first act of benevolence was, to purchase ground for the erection of a suitable residence: his next, to "lay the foundations of that noble convent and college, which", Weldon tells us, "the fathers now inhabit." Before the autumn of 1611, the building was completed; and, on the fifteenth of October in that year, the community, having removed from its hired habitation, solemnly opened its new church for divine service.

Still it remained to provide for the permanence of the institution. During the progress of the late works, and even up to the present period, the fathers had been able to support themselves by giving lessons in the college of Marchienne. But the jealousies, which will be mentioned in the succeeding note, already threatened to deprive them of this resource: at the same time, the pension allowed by Cavarel amounted to little more than the annual sum of twenty pounds; while the aid, which they had more than once been compelled to seek at the hands of their Spanish brethren, was too distant and too precarious, to be regarded as a means of subsistence. It was on this account that, on the fourteenth of September, 1616, the fathers presented a petition to Cavarel, explaining their situation, and entreating him to grant them an increased and settled allowance. In reply, the abbot engaged at once to attend to their request. For the next year, he assigned to them a sum of twelve hundred florins: this he subsequently (1619) converted into a permanent revenue, payable, in equal parts, at each of the four quarters of the year; and, having drawn up and adjusted the terms of the foundation, he finally obtained a confirmation of the whole, in a bull issued by pope Urban VIII., on the third of June, 1626. In this instrument, the conditions of the donation, and the intentions of the founder are carefully described. It is provided that the community shall consist of not more than twelve, nor less than nine, monks, who are for ever to be dependent on the abbot and convent of

prince had drawn out the canons, to put them in possession of the cathedral of Nancy, which was erected in 1602); for the monastery was built at the cost of Mr. Gifford, who had been disciple to the cardinal William Allen, and who resigned the dignity of dean of Lisle, to take upon him the habit of the order of St. Benedict, in that monastery, under the name of father Gabriel of St. Mary.[1]

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St. Vedast. Besides the usual vows of poverty, chastity, and obedience, they are to take a fourth, to the effect that they will serve the English mission: they are to supply a certain number of theological and other professors, to be at the absolute disposal of the abbot: they are to say a certain number of masses annually for the founder and his successors; and, when England shall have been converted, and themselves restored to their possessions, they are to receive in their college at Oxford any students sent from the abbey of St. Vedast. In the meantime, the convent is to be governed by a prior, who, on his appointment, is to present to the abbot a written declaration of the submission and dependence of the house: all nominations to vacancies among the brethren are to be made by the prior, but confirmed by the abbot: all persons admitted to join the body, beyond the allotted number of twelve, are to pay a sufficient pension; and all bequests and donations, with all property brought by the novices, except from England, are to go to the foundation, and, on the conversion of the English, to devolve, with the rest of the possessions, on the founder or his successors.—From this period, the monastery of St. Gregory at Douay became a permanent and flourishing establishment. Weldon's Collections, MS. at Downside, i. 45, 68—70, 77, 79, 250—268; Weldon's Chronological Notes, MS. in the same college, 126—134.—*T.*]

[1] [That Gifford was a considerable benefactor to the house there can be no doubt: but that it was erected at his expense is, I think, contrary to the fact. Weldon, speaking of the foundation, but omitting all allusion to Gifford, says, that, soon after the removal of the canons to Nancy, father Bradshaw applied to the patrons for the vacant college; that, through the interest of Arthur Pitts, then canon of Remiremont, a grant of the property was obtained; and that, on the twenty-sixth of December, 1606, Pitts, in the name of the English benedictines, solemnly took possession. He then adds, that "Mr. Arthur Pitts, with some fathers who came now and then, prepared, the best they could, the house of Dieulewart for the reception of the monks, who should be appointed to settle and live there: but the poverty of the monks, and the hard circumstances they were under, were such, that it went on very slowly; nor could any come to settle, till the ninth of August, in the year 1608, which was the first day (as they find upon the old books of Dieulewart) of the monks' coming thither, in order to live conventually" (Weldon, Collect. i. 46—48). In another passage, however, he says, that Gifford "may be esteemed a founder of Dieulewart, for that his money gave it the form of a convent": but subsequently he qualifies or explains this declaration, and merely tells us that, on the morning of his profession (July 11, 1609), he "gave to the house a great number of books, and much household stuff" (Chronol. Notes, 48, 82).

There is another subject, to which I must briefly refer in this place. 1°. The erection of the English mission was not effected without considerable opposition, both in Italy and Spain. By the jesuits the very first secessions from the seminaries, over which they presided, to the ranks of a rival order, had been

"The English benedictines, having got these two monasteries, began to think of the means of reviving the

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regarded with feelings of jealousy and alarm. In Italy, indeed, the influence of cardinal Allen, and his avowed approbation of the course adopted by the retiring students, were sufficient, during his life, to repress any violent demonstration (See his beautiful letter to Father Athanasius, in Reyner, Tract. i. 243). But, in Spain, there existed no such restraint: the spirit of opposition could there work without control; and accordingly, every method was adopted, first, to prevent the admission of the new postulants, and afterwards, to frustrate the design of establishing an English mission. It was said that the benedictines were decoying the students from the seminaries; that the employment of missioners, trained under different institutes, and formed to different views, would be productive only of animosities and discord; and that, in point of fact, the duties of the mission, to which the parties in question proposed to dedicate themselves, were incompatible with the obligations of a religious life, and a direct violation of the monastic vow. To silence the last of these objections, appeal was made to the doctors of Salamanca; and a solemn sentence of the academy soon after declared that it was unfounded. But this tended only to increase the opposition on the other points. The jesuits became more loud in their complaints. They appealed to the nuncio; they addressed the people; they called on the council of state to interfere, and prevent both the reception of the postulants and the erection of the proposed mission; and it was not until the cardinal archbishop of Toledo, after a careful examination of the several charges, had formally pronounced the allegations to be false, and the design of the new mission to be meritorious, that its opponents could be induced to suspend their hostility, and suffer the scheme to be carried into execution.

2°. But the establishment of the house at Douay—it was in the immediate neighbourhood of the English seminary, now governed by Dr. Worthington, under the influence of the jesuits—again awakened the jealousy of the society, and called forth a fresh struggle between the contending parties. Regarding the benedictines as the "adversaries" of his order (Stonyhurst MSS. Ang. A. iii. 94), father Persons hesitated not to assail them with the most unmeasured language. On the one hand, he maintained that their object was, to allure the students of the seminary to their own order: on the other, he declared that the only persons, whom they had hitherto induced to join them, were men distinguished, during their residence in the colleges, for their undutiful and turbulent behaviour. These parties, he said, had quitted the seminaries in sedition, and had embraced the religious institute without the knowledge of their superiors. They hated the jesuits: they had slandered the society; and they had sought by their letters to create division, and excite disaffection, among the students from whom they had deserted. Nor was this all. The benedictine mission had been expressly established, that its members might support the jesuits against the appellant priests: but, instead of this, they had leagued with the appellants against the jesuits: they had even countenanced them in their criminal intrigues with the heretical government of the country; and they still continued to number one member amongst them, who, though he had originally condemned the oath of allegiance, had subsequently maintained that it might lawfully be taken. In reply to these charges, a paper was drawn up by father Anselm, the agent of the benedictines, and presented to the pope in 1608: it was followed soon after by another from the same person, written at the request of cardinal Bianchetti, and, together with its predecessor, demonstrating the memorial of Persons to have been either false in its statements, or frivolous in its grounds of accusation. It was not true that the benedictines had sought to aggrandize their

ancient English congregation. Father Buckley, who was the only Englishman of that congregation, and had professed in the abbey of Westminster, in the year 1607 received into it some English monks of the congregation of Monte-Cassino; which was approved of by the general chapter of that congregation, in the year 1608, and confirmed *viva voce* by pope Paul V., in the year 1609. And, by a solemn act of the same year, father Buckley committed the care of that new congregation to father Thomas Preston, superior of the English of the congregation of Monte-Cassino; which was ratified and approved by those of the English congregation.[1]

"The new English congregation being subject to that

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own body, at the expense of the seminaries. It was not true that they had received the disaffected members of the colleges, or committed any one of the acts imputed to them by their opponents. But they had established houses for the supply of the English mission, and had been assisted in the work by the abbots and prelates of the country: in Flanders, they had even been employed as the instructors of the other monasteries; and hence unfortunately had arisen the jealousy of the society, hence the hostility with which its members had pursued them, and the accusations which they had constantly poured out against them. "Yet, after all," said Anselm, "the benedictines have no private wishes to gratify, no personal objects to accomplish, by the maintenance of the present quarrel. Our opponents seek to drive us from the establishment at Douay: they covet a monopoly of that mission, in which our substance and our blood have been expended; and they appeal, for the justification of their ambition, to the superior qualifications of themselves and of their disciples. Be it so. Our colleges were established, only to propagate the Gospel. Our desire is, to promote the glory of God, not to engage in contention with the society; and if, to avoid the latter, we shall be required to abandon the work in which we are engaged, we will cheerfully withdraw our fathers from the mission, and show the world that we seek no interest but that of the church, no honour but that of being obedient to the holy see." This appeal was not without its effect. The establishment at Douay was confirmed; and two decrees, one dated December 10, 1608, the other April 23, 1609, were issued, enjoining both parties to lay aside the memory of all past dissensions, and forbidding the benedictines to withdraw the students from the seminaries, the jesuits and other superiors of the colleges to dissuade or deter them from embracing a religious life (Compare Reyner, Tract i. 242—246, with the documents in the Appendix to the present volume, No. XXXIX.).—Perhaps the reader will scarcely believe that this decree was represented, by the partisans of the society, as a triumph over the benedictines; and that Fitzherbert could even still endeavour to circulate a report that the house at Douay was likely to be suppressed!—See Singleton's letter, in the Appendix, No. XL.—*T.*]

[1] [The parties admitted by Buckley were Robert Sadler and Edward Mayhew, both priests, and members of the congregation of Monte-Cassino;—the first, belonging to the diocese of Peterborough, the second to that of Salisbury. —Reyner, Tract. ii. 17, and Append. p. 11. The papers, relative to the appointments and approbations here mentioned, may be seen in the same work, Append. 1—4.—*T.*]

of Monte-Cassino, and their power increasing by that means, they also increased considerably in number; so that, in a short time, they were in a condition to make a considerable congregation. But those religious men, having been bred in several countries, some of them in Italy, others in Spain, and some in England, having different rules, and being subject to distinct superiors, that occasioned some difficulties. For, having proposed an union, the articles whereof were drawn
1610 up in England, in the year 1610, they were not
Feb. 13. approved of by the English that were out of the kingdom.[1] Another project was formed in 1612; and
1612 pope Paul V., by a brief of the twenty-fourth of
Dec. 24. December, of the same year, confirmed all that had been done for the re-establishment of the English congregation.[2]

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[1] [These articles were ten in number. They acknowledged the necessity of union among the brethren, provided that all feuds and distinctions should be thenceforth abolished, and agreed to adopt such measures as were best calculated to render their observance permanent. The members of the several congregations in England were to be governed by a common superior, elected by themselves, and subject to a code of regulations, to be previously drawn up and agreed to, for the government of the mission: the Spanish congregation was to renounce all claims to separate property, in favour of the general body: all donations and bequests, not specially destined for the erection or support of a particular convent, were to be applied to the general purposes of the mission; and all future professions were to be made exclusively in the English congregation. With a view to prevent misunderstanding, until the common superior could be elected, it was further provided that, during the interval, each of the three superiors of the English, Spanish, and Italian congregations, should have an equal right of admitting postulants to the houses of the order.—See Append. No. XLI.—*T.*]

[2] [The project here alluded to was drawn up by father Anselm, and presented to the pope in 1612. I subjoin Weldon's account of it, in its matured state: the sketch printed by Reyner (Append. 6) must have been an early draft:—

"It proposed," says Weldon, "that such as were professed of the Spanish and Italian congregations should continue in their respective obedience; but, for the future, all should profess of the English congregation, which the other two should join hearts and hands together, to shelter and increase, both in persons, and in lands, and goods, by all ordinary means: and that this congregation, till it took root, grew up, and gathered sufficient strength to need no other support, should be governed by a biennial superior, to be chosen alternately out of the Italian and Spanish congregation.

"That the Italian and Spanish congregation should cede all title to houses or any goods to the English congregation, that they possessed out of their provinces.

"That, out of their own provinces (into which, however, their respective su-

"The fathers of the congregation of Valladolid, nevertheless, did not approve of either of those projects of union; and, according to their custom, nominated a vicar-general for the English mission: and, at last, the monks of the congregation of Monte-Cassino, and those of the English, were obliged to agree with those of Spain.[1] An act of union was made, by which it was

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periors might call them when they pleased), they of both congregations should be distinguished by no other name than '*fathers of the English congregation*', both great and small, *absque omni diversitate cogitabili*, as if they had really been professed of the English congregation.

"That the English congregation should not admit, either to the habit or profession, more than could be maintained either out of its revenue, labours, or ordinary alms; and that such as were admitted should be exercised in mortification, and prayer, and other apostolic virtues proper and becoming a missioner.

"That, in the convents of the mission and congregation, the rule should be strictly observed, without any glosses, or modifying interpretation; and that the peculiar exigences of the mission should be supplied out of the Cassin and Spanish constitutions.

"And, *after two other articles, not appertaining to the mission*, That the president, who was to be triennial, should reside beyond the sea; have in England, in the province of Canterbury his vicar, and his sub-vicar in that of York, to whom were to be joined two seniors of the English congregation, without whose consent the vicar and sub-vicar were to do nothing of moment, &c.

"That this deference should be given to the Spanish congregation, that they might name, in their general chapter, one of their own body, an Englishman, who should be superior of St. Gregory's in Douay, and of Marchienne college in the university, who, in the entrance to his superiority, should swear upon the holy gospels, that he would govern his subjects according to the rule, laws, rights, ordinances, and advantage of the English congregation.

"That, although the president *pro tempore* of the English congregation should enjoy an ordinary jurisdiction, and immediate over the said congregation, yet he should have dependence of the Spanish and Italian, that is, of their procurators in the Roman court (who represent their whole congregation), who should jointly solicit their affairs, and in the same letter make report of their success, &c.; and that no solicitor should appear at court for the English congregation without their knowledge and consent; and that to these congregations the president should send the necessities and state of the congregation, at least every two months, to be suggested to his holiness.

"That Scotch or Irish, that have been, or should be, incorporated into the Spanish or Italian congregations, should, for the future, enjoy all the privileges and advantages of the English.

"That these articles should remain inviolate as long as the schism should continue."—(Weldon, Collect. i. 125—127).

The breve of Paul V., though mentioned apparently by Stevens in conjunction with the above project, had in reality no reference to it. It simply confirmed what Buckley had done, in 1607 and 1609.—See Appendix, No. XLII. —*T.*]

[1] [Stevens, whom Dodd here transcribes, and who takes his account from Reyner, has, in this place, mistaken his author. Reyner says, not that the Italian and English monks "were obliged to agree with those of Spain", but that the Spanish congregation was compelled to admit the others to a particip-

stipulated, that, as long as England should continue separated from the see of Rome, the fathers of the English congregation should compose but one body, which should be called the English mission or congregation,[1] which should consist but of twelve religious men, in whom all the rights of the ancient congregation of England should be preserved: that it should not be lawful to increase the number, and that, when any one of those twelve monks should happen to die, the vicar-general should nominate another, to fill up his place, who should be taken from the congregation of Valladolid: and that, when the schism should cease, the monks, that should happen to be in England, and who would not return into Spain, should then form the English congregation, and that all those English monks, remaining in England, should be reputed to be of that congregation: but that, during the schism, they should be really of the congregation of Valladolid. These conditions were approved of, in the general chapter of the
1613 Spanish fathers, held in the year 1613; and father
May 5. Robert Sadler, of the English congregation, con-

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tion in the rights and possessions of the monastery of Dieulewart; and that, in order to prevent any subsequent misunderstandings or disputes on the score of property, the act of union, which will be immediately mentioned in the text, and is known as "the union of the four articles", was drawn up. Intereà nos, eo tempore Hispanicæ congregationis monachi, neutiquam approbantes formulam istam unionis, quam suprà D. Anselmus descripserat, * * * * ob varias opiniones quas in conventibus nostris excitarunt nonnulli, qui congregationi Anglicanæ promovendæ secretò operam dabant, et benefactorum etiam in Lotharingiâ vehementissimam instantiam, quos offendere in re, quam ipsi putabant valdè consentaneam rationi, nec erat nobis tutum, nec aliis videbatur honestum, *coacti sumus*, ob bonum pacis conservandum quod alioqui periclitabatur, post aliquot tractatus eâ de re habitos, *admittere inter nos, qui adhuc eramus de Hispanicâ congregatione, et monachos congregationis Anglicanæ, æqualem participationem rerum omnium in conventu Dolowarti*, quem conventum ipsi Hispanienses soli, per patrem Augustinum à S. Joanne, et patrem Gabrielem de S. Mariâ, magnis laboribus erexerant, et per aliquot annos soli pacificè possiderant. Ut autem ea participatio non esset perpetuorum jurgiorum causa, * * * * concepta fuit inter nos et illos alia unionis formula, quam "Unionem quatuor articulorum" vocabamus, quia totidem articulis comprehendebatur," &c.—Reyner, Tract. ii. 18.—*T.*]

1 [This is another mistake. Reyner expressly says that the united body "was to be called, and to be, the *Spanish* mission, or congregation",—"ut patres congregationis Anglicanæ coalescerent in unum corpus, quod esset et vocaretur *missio seu congregatio Hispanica.*"—Reyner, ibid.—See also Weldon, Collect. i. 128.—*T.*]

sented to the same, in the name of, and as agent for, father Thomas Preston.

"But the other fathers of the congregations were not of the same opinion; so that the union did not take place at that time. A new project was drawn up, which was received by the agents of those congregations, but contested by the fathers of the congregation of Monte-Cassino.[1] Pope Paul V., perceiving that those contests proceeded without end, applied his authority to put a period to them; ordaining by a decree of the year 1616, that they should proceed to the union 1616 of those three congregations, notwithstanding May 19. the opposition of that of Monte-Cassino; that nine definitors should be chosen out of the whole mission, who should be indifferently picked out to govern the same; that they should choose the superiors of monasteries, and should do all that was convenient for its advantage: and his holiness appointed his nuncio in France to see this decree put in execution.[2] The superiors of the congregation of Monte-Cassino, the same year, renounced all jurisdiction, they could claim over the English monks, that were of their congregation; consenting, that they should be wholly depending on that of England. Thus the union was concluded, in the year 1617, between only the congregation of Valladolid, and that of England. Cardinal Ubaldini, nuncio in France, had begun, the year before, to put the pope's decree in

[1] [This is an error: the Cassinenses were the originators, not the adversaries, of this measure. The "union of the four articles" had been proposed and adopted in opposition to the project of 1612, which was drawn up by father Anselm, a member of the congregation of Monte-Cassino. Anselm, finding his own plan rejected, resolved in turn to reject that of the other parties, and immediately addressed a memorial to the cardinal-protector, detailing the nature and merits of the former scheme, and requesting the interposition of his eminence in its behalf. This former scheme is what Stevens calls the "new project." Through the influence of Anselm it was soon after approved by the pope, and ordered to be carried into execution: but the *Spanish* fathers instantly resolved to oppose it: an appeal to the holy see was followed by an angry correspondence between the leading members of the two parties; and more than three years of strife and altercation had elapsed, when the pope, solicited by the fathers on both sides, at length issued the decree to which reference is made in the text.—See Reyner, Tract. ii. 19—23, and Append. 10—15, 37—40.—*T.*]

[2] [The decree is in Reyner, Append. 21.—*T.*]

execution; and cardinal Bentivoglio, who succeeded him in the nunciature, concluded it; causing the nine
Jun. 1. definitors to be chosen; who met at Paris on the
1617 sixteenth of May,[1] the same year, and chose, for the first president of their congregation, the reverend father Gabriel of St. Mary, who was confirmed, on the twenty-seventh of October, by the general of the congregation of Valladolid, who immediately approved of all that had been done in their assembly, as well in regard to the union, as to the new statutes for the English congregation, which was to be subject to that of Valladolid.

"This subordination consisted in its acknowledging, for its superior, the general of Valladolid, who was also to take the title of general of the English congregation, and who, as such, was to visit the monasteries that congregation might acquire in Spain;—yet, upon condition, that his said visitation should be made according to the laws of the English congregation, and that it should not be in his power to oblige the monks to follow the customs of the Spanish congregation: that no English monk might take any degrees in the universities, without his consent; and that he should confirm, as president, which he should think fit, of the two that should be chosen by the English congregation, and presented to him: all which was approved by pope Paul V., who
Aug. 23, granted his bull, to that effect, of the twenty-third
1619 of August, 1619.[2] Pope Urban VIII. confirmed

[1] [They met on the *first of June*, at a house belonging to the order, called St. Andrew's, in the Faubourg St. Jacques, at Paris. The *sixteenth of May* was the date of the summons (See it in Reyner, Append. 23). The definitors were, Leander (Jones) de S. Martino, vicar-general of the Spanish congregation; Robert Sadler, president of the English congregation; Gabriel Gifford, prior of St. Malo's; Robert Haddock, superior of the Spanish congregation in England; Rudisend Barlow, prior of St. Gregory's at Douay; Edward Mayhew, prior of Dieulewart; Benedict Jones, assistant to the Spanish vicar in England; Thomas Torquatus Latham, professor of philosophy at Douay, and Sigebert Bagshaw, monk of the English congregation.—Ibid. Append. 23.—*T*]

[2] [The proceedings of the definitors were drawn up by father Leander, one of their number, and were preserved at Douay, in his handwriting, probably until the period of the French revolution. They are now, I understand, lost: but Weldon, who used them when he wrote his MS. account of the English province, has preserved most of what is material. Having recited the introductory

all the privileges of this congregation.[1] But that dependence being become grievous to them, by reason of the difficulties they met with, in receiving advices from Spain, they had recourse to pope Urban VIII., who, in the year 1637, discharged them of that subordination to the congregation of Valladolid. But this bull I have not been able to procure.[2]

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passages, in which the definitors exclude all advocates of the oath of allegiance from the union, and provide the punishment to be inflicted on any member who shall offend against faith or morals, he thus proceeds,—" they oblige all and every one of the members of this congregation, under the severest punishments, to be inflicted by the president, that no one design or counsel, speak or write, anything which may savour of sedition, contempt, or injury against the kingdom, state, or civil magistrate, or concern himself in politic affairs or whatsoever may concern the state; but that all tread the plain and apostolic way, and that though they converse among heretics, they are to remember they are sent like sheep among wolves. Let them, therefore, have a care that they do not set upon their adversaries like wolves, and let them be convinced of the truth of that excellent doctrine of St. Chrysostom,—'As long as we are sheep, we conquer: though a thousand wolves surround us, we overcome, and are victors: but if we are wolves, we are conquered; for then we lose the assistance of the pastor, who feeds, not the wolves, but the sheep.'

" They decree that the constitution of the congregation is, to be governed by one president, who, during the schism, is to reside beyond sea, and by two provincials immediately in England, and by the priors of convents out of it: also by five definitors, till the growth of the congregation require more, the number of which cannot exceed nine; of which the three chief are to be judges of causes and grievances, to whom the religious may appeal from sentence of the president, and from them only to the general chapter.

" They subject this congregation to the Spanish general no further than to give him the title of general of both congregations, to visit any convent situate within the dominions of Spain" (in point of fact, there were none), " to give license to receive degrees of doctorship in universities, and to make choice of which he pleases of the two, whom the English congregation present to him for their president.

* * * *

" They conclude with a declaration that this definitory of theirs has the full power and force of a general chapter, and that the laws and constitutions therein compiled are no less obligatory than definitions passed in such chapters; whereunto they subjoin an humble supplication to his holiness, to confirm the same by his supreme authority, to supply all defects *juris et facti;* and that, immediately after such approbation, should ensue the election of the president and other officers of the congregation" (Weldon, i. 138—143).

To this, however, Weldon ought to have added, what we learn from the breve of pope Paul V., that they forbad any one but the president, or his deputy, to grant missionary faculties to the members of the order in England. See the breve in the Appendix, No. XLIII.—*T.*]

[1] [He alludes to the bull " *Plantata*", which will be mentioned in a subsequent part of this history. It was dated July 12, 1633.—*T.*]

[2] [The fact is, that Stevens, from whom this is copied, was misinformed; for no such bull could ever have been issued. The superiority of the Spanish general was ultimately renounced by the congregation itself, acting on the

"However, there were still some English monks, who, not approving of the union of all the religious men of their nation in one body of a congregation, would not enter into it, and writ against the same. One of their books was intituled, *Examen Trophæorum Congregationis prætensæ Anglicanæ ordinis S. Benedicti,*

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authority, or rather on the silence, of the bull "*Plantata*." Thus Weldon, speaking of what passed in the chapter of 1661, says,—"The fathers of the two last chapters were uneasy at the unhappy consequences that attended their expecting, every chapter, the confirmation of our president from Spain, before he could be installed. Wherefore, to obviate such vexation, in their letters to the general of Spain, they began to propose new things;—for example, in the chapter of 1653 (September 16), 'Decretum est quòd, in epistolâ ad reverendissimum generalem in Hispaniâ, ultrà consuetam formam, clausula addatur de eodem supplicitèr rogando ad constituendum, pro confirmatione admodùm reverendi præsidis, deputatum suum unum ex sequentibus,—illustrissimum archiepiscopum Cameracensem, conservatorem apostolicum privilegiorum nostræ congregationis, episcopum Atrebatensem, episcopum Tornacensem, abbatem Vedastinum,' or some others.

"In the last chapter, 1657, on the sixteenth of August, reverend father president exposed the general's answer to this, which was, that, at the next Spanish general chapter, he would propose to the fathers their suit:—and, at the same time, father president shows another letter to be sent again to the general of Spain, 'in quâ, post enumerata multiplicia incommoda quæ à tam diuturnâ morâ (six months in the margin) installationis electi præsidis nostri perceperat, et perceptura erat, nostra congregatio, ulteriùs ab eo petiit, ut sequentibus capitulis nostris conferatur auctoritas installandi præsides futuros, immediatè post electionem, aut conclusionem capituli.'

"Upon this, our fathers, this chapter, on the twentieth of August, 1661, agitating the question of the dependency of our congregation on the Spanish benedictine general,—'an, scilicet, hujus dependentiæ mentio, dum in bullâ *Plantata* non habetur, è legibus nostris sit expungenda?—et à plusquàm duobus tertiis per secreta suffragia conclusum est affirmativè'" (Weldon, ii. 125, 126). In his other work, to which I have already referred more than onċe, Weldon mentions the same transaction more summarily. "The fathers," he says, "finding it an excessive trouble to the congregation, to expect every general chapter's election of a president to be confirmed by the general of Spain, before he could be installed, upon diligent review and consideration of their great bull 'Plantatâ in Agro Domini,' they found their Spanish dependency abrogated: and, as they had acquainted the Spanish general with the inconveniences the congregation endured thereupon, they resolved, for the future, to embrace the freedom the pope had conferred on them, and not compliment away the happiness and prosperity of the congregation; especially, since this dependence was nothing more than respectful civility in regard of the Spaniards, while, at the same time, it proved to the English congregation and mission very nocivous, and perniciously inconvenient,—such a grievance, through Spain being so far off, that it was enough to ruin all. Wherefore, the fathers having maturely weighed all things, they took those resolutions which they published in the general chapter of 1699, viz., that the English benedictine congregation no longer depended on that of Spain (Chronol. Notes, 179).—From this period, the annals of the order contain no mention of its subjection to the Spanish general.—*T.*]

printed at Rheims, in 1622. But father Clement Reyner entirely baffled that work, in one more considerable, under this title,—*Apostolatus Benedictinorum in Angliâ*, printed at Douay, in 1626.[1] Father Barnes, the author of *Examen Trophæorum*, was charged with many foul practices; and letters of his, proving the same, being intercepted, he was secured by order of the king of France, who delivered him up to the superiors of the English congregation, who sent him to Rome, where he died, in the prison of the inquisition.[2]

"Father Francis Waldegrave, one of those who had

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[1] [Of this work, however, which is always attributed to Reyner, father Prichard, in his life of father Augustine Baker, says, that Baker "did not only gather the matters and proofs of which it was to consist, but did also show how the said arguments were to be urged, pressed, and ordered, and what consequences, inferences, and corollaries, might be drawn out of them:" and he adds, "that indeed father Baker had the chief hand in it (who yet is not known to have had any hand in it at all), and that father Leander de S. Martino, who penned it in Latin, deserves to have the second place, who also had the trimming and polishing of it; and yet father Clement Reyner is more thought to be the author than any body else. '*Sic vos non vobis.*' He was then secretary, and subscribed the dedicatory epistle" (Apud Weldon, Collect. i. 511, 512). In fact, Reyner himself, though his name stands in the title-page as that of the author, says distinctly, at the close of the dedication, that he was only the editor,—"Non author operis sum, sed jussu congregationis editor et dedicator."—*T.*]

[2] [This transaction will be more fully noticed in the life of Barnes. In the meantime, I may observe that the "foul practices," with which he was charged, consisted in a negotiation, which, with the assistance of father Preston, father Godfrey, Dr. Edward Potter, and others, he was carrying on with the English government, for the purpose of obtaining its protection. He asked for permission to reside in England, security for the performance of his religious duties, and a competent allowance from the state. In return, he offered to write against the temporal pretensions of the pope, to demonstrate the lawfulness of the oath of allegiance, and, without abandoning the communion of his own church, to show at least that, under all the circumstances of the time, England was fully justified in discarding the authority of the Roman court:—"In cujus satisfactionem, memet obligo ad sustinendum et tuendum, ex verâ theologiâ, defectionem seu separationem a curiâ Romanâ, rebus sic stantibus, et juramentum fidelitatis Anglicæ communionis, legitimum et justum esse, secundùm scriptores ecclesiæ Romanæ et nostræ communionis" (Translation of intercepted letter to Sir George Goring, apud Weldon, Collect. i. 225). This he is said to have attempted afterwards, in the work entitled "Catholico-Romanus Pacificus:" but, as that treatise was not printed until 1680, many years after Barnes's death, and was then confessedly "made up" from several "flying MSS." (Wood, Athen. ii. 501, Ed. Bliss), it is by no means certain that it contains what Barnes wrote. Perhaps, also, I ought to add, in reference to the letter which I have cited, that it exists only in the unsatisfactory form of a translation, produced by his adversaries and accusers. The "Catholico-Romanus Pacificus" may be seen in Brown's Fasciculus, ii. 826—870.—*T.*]

most opposed the new English congregation, having at last acknowledged his fault, entered into the same, and yielded up to it the monastery of Celle, in the province of Brie, which had been given to him by the monks of Marmoutier: and, ever since that time, the superiors of the house, they have at Paris, send thither a sufficient number of monks, to perform divine service. The late king[1] confirmed to them the possession of that abbey, by his letters patent of the year 1708.

"The reverend father Gabriel of St. Mary, who, as has been said, was chosen the first president of the English congregation in the year 1617, did not govern long; for he was consecrated bishop of Archidal: he was afterwards made suffragan to the archbishop of Rheims: and, not long after, was nominated to that archbishopric, and first peership of France, by king Louis XIII. Yet he was not forgetful of his congregation. In the year 1611, he had begun to found a house at St. Malo,[2] which the English monks were afterwards

[1] Louis the Fourteenth.

[2] [It is hardly correct to describe Gifford as the founder of this establishment, otherwise than as one of the instruments employed to prosecute the work. The resources of the house at Dieulewart, unable to keep pace with the increasing numbers of its inmates, had already pointed out to the superiors the necessity of diminishing its burthens, when, in January, 1611, Gifford and father Barnes were despatched to Brittany, for the purpose of seeking an additional settlement in that province. It was early in the year, when they arrived at St. Malo's. Here they became acquainted, first with an English gentleman named Nailer, and afterwards with the bishop and canons of the place. By the latter Gifford was invited to preach. His sermons astonished and delighted the people: his manners and conversation, no less than those of his companion, charmed his new acquaintance; and, in a short time, it became a point of interest with the inhabitants to detain the pious strangers among them. At length, the bishop, to whom they had probably imparted the object of their visit, formally invited them to fix their proposed residence in the neighbourhood of his cathedral. The offer was of course accepted. A prebend, with the emoluments and residence attached to it, was immediately conferred on Gifford, for the benefit of the monks; and, before the end of September, a body of religious, consisting of the fathers Musgrave, Babthorpe, Green, Kempe, Malon, and D'Orgain, a native of Lorrain, had arrived from Dieulewart, to take possession of their new habitation. At the same time, and at the suggestion of Nailer, a citizen named Toutin, lord of Claremont, a property in the vicinity of the town, bestowed on them his house and chapel, with an annual allowance of corn. Gifford was appointed prior, with a chair of divinity assigned to him by the bishop. By the same prelate, Barnes was commissioned to teach casuistry at the cathedral; Musgrave to instruct the children of the town: while the others, filled with the zeal of their new calling, in a great measure divided the duties of the pulpit and of the confessional between them. Compare Weldon's Collections, i. 155—159, with his Chronological Notes, 55—58.—*T.*]

obliged to resign to the monks of St. Maur, in consideration of a yearly rent they pay for the same; king Louis XIII. refusing to allow of a community of English religious men in that sea-port town, so near to England. But the same benefactor procured them another at Paris, which was at last fixed in the Faubourg St. Jacques, or suburb of St. James, in the year 1642.[1] The church was built in 1674, and the first

[1] [From this it would appear that St. Malo's was ceded to the monks of St. Maur, at least as early as 1642, and that the house at Paris was founded for the purpose of supplying its place. Both these statements, however, are incorrect. 1°. It is true, indeed, that the establishment at St. Malo's, partly perhaps from its interference with the duties of the canons, had, almost from the moment of its foundation, been a constant source of uneasiness and dispute. Hence Weldon, writing of the year 1639, and describing the proceedings of the general chapter then sitting, says,—"Here I find our Maclovian vexations obliging our fathers to treat with the monks of St. Maur, to take [the establishment] into their hands, till better times" (Collect. i. 422). But the treaty seems to have failed: the independence of the house was all that was surrendered; and it was not until 1661, that a final resolution was taken, to part with the property:—"On the thirteenth of August (1661), the reverend fathers resolved to part with the house of St. Malo, which, from the beginning, had been a great plague and a torment to the congregation, and became every day more and more:—And, of a good while, it had been so subjected to the congregation of St. Maur, that the prior of St. Malo's took his letters of confirmation as well from their general as from ours: neither could ours send a monk to dwell there, but he must also have the approbation of the general of St. Maur, to stay there" (Weldon, Collect. ii. 127). In his chronological notes, the same writer adds, that "the house, through the admission of French," had become unmanageable; that the parliament of Brittany was jealous of the monks; and that "the council of France was alarmed", as Stevens says, "at the establishment of Englishmen in such a sea-port town" (180). It was not, however, until some few years later, that, after much trouble, the house, through the agency of father Bennet Nelson, was ultimately disposed of (ibid. 218).

2°. The origin of the foundation at Paris is dated as early as the year 1615. It was in 1611, that father Waldegrave, with a few monks belonging to the Spanish congregation, was sent from Dieulewart, at the request of the abbess of Chelles, to perform the offices of religion for that community. In the following year, he was joined by father Bradshaw: some novices were admitted; and, in a short time, the abbess, charmed and edified by their demeanour, resolved to procure for them an additional and permanent establishment at Paris. With this view, in 1615, she obtained six monks from the convent of Dieulewart. These religious she placed in a house called St. Andrew's, afterwards occupied by the nuns of the Ascension, in the Faubourg S. Jacques. For their maintenance, she assigned to them an annual income of one hundred and fifty pounds: she further secured a similar sum for the rent of the premises; and, besides this, she furnished a frequent, if not a constant, supply of provisions from her own monastery. Bradshaw was made prior: but the dependence of the house on that of Chelles was carefully provided for; and Waldegrave, as the superior of the monks attached to that convent, became also the real superior of the establishment at Paris. It was only, however, until the year 1618, that this arrangement was suffered to continue. At that

stone was laid by Mary Louisa of Orleans, queen of Spain, daughter to Philip of France, duke of Orleans, and to Henrietta of England; and it was consecrated in the year 1677, by the abbot of Noailles, now (1696) cardinal, and archbishop of Paris."[1]

The English benedictines have also a monastery at Lansperg in Germany, in the electorate of Cologne, which is governed by a regular abbot, over whom, as I am informed, the president of the English congregation claims no jurisdiction.[2] There are also in Germany

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period, the abbess, having purchased another house for their reception, called on the monks to quit their present residence, and remove to the new habitation. But Waldegrave's opposition to the union of the provinces had already loosened the ties between himself and his brethren: the monks had no wish to perpetuate a subjection, which had now become doubly irksome to their feelings; and, as some serious objections to the proposed residence were raised, it was thought by the superiors that the opportunity might be improved, to shake off the authority of Waldegrave, and to establish the independence of the house. It was with this view, and under these circumstances, that Dr. Gifford, then lately consecrated bishop of Archidal, came forward, in 1619, and, at his own expense, erected the monastery afterwards known as St. Edmund's. Weldon, Collect. i. 324—328; Chron. Notes, 64—67, 113, 114.—*T.*]

[1] Stevens, Monast. i. 182, 183. [Weldon, having mentioned the consecration of this church, adds that, in October, 1650, Louis the fourteenth had "granted the English benedictines letters of establishment at Paris", and that, on the ninth of September, 1674, he had conferred on all persons, professed in St. Edmund's at Paris, the rights and privileges of natural-born subjects. This favour he afterwards extended to the members of all other houses belonging to the English congregation, "if, being within his dominions, their superiors sent them to the convent at Paris, and they there went on with their studies, as far as master of arts". He also "gave, to help their new building at Paris, seven thousand livres; and hath given, for a long time, twenty-five pounds English a-year to the convents of their congregation at Douay, Dieulewart, Paris, and Cambray, which has only ceased, this 1709. And to Dieulewart he gives them their salt free; a great charity, considering their country ménage. Douay convent, as I have been told by one of that place, esteems his royal favour worth to them about one hundred pounds English a-year." Weldon, Chron. Notes, 194, 195.—*T.*]

[2] [This is a mistake. He claims and exercises the same jurisdiction over Lansperg, or Lambspring, as over the other houses of the congregation.—Concerning this and some other English benedictine monasteries in Germany, I will subjoin a few words from Weldon:—"The emperor", says he, speaking of Ferdinand the second, "having recovered a great tract of ground from the heretics, on which stood many monasteries of the order of St. Bennet, the English fathers, knowing the Bursfeldian congregation to want monks to put into them, petitioned them to consider fraternally the case of their affliction and exile, and charitably to stretch their arm to help them. The worthy abbot of Arras, Philip Cavarel, writ to the same effect to the prelates of the German congregation of Bursfeld, who, on the eighteenth of May, 1628, gave them the abbey of Cismar, in the diocese of Lubec and dukedom of Holstein, with all its goods, rights, and privileges, upon these conditions,—First, that they should recover it at their own

several benedictine monasteries, chiefly possessed by the religious of the Scottish nation. They are said to be seven in number, and have been established in those parts for some ages: but I can meet with no particulars concerning them.[1]

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expense: Secondly, that they should swear fidelity and dependency on the union of Bursfeld, according to what is here expressed: Thirdly, that, when they had recovered the monastery, they should send one to the annual general chapter, who should contribute, with the other monasteries, to the supporting of the burthens of the union (but this demand they mitigated afterwards): Fourthly, that they should give assurances that, when England returned to the faith, they would restore the monastery to the union, with all that it might then be worth: Fifthly, that they would do nothing to its prejudice, by sales, alienations, &c., without the consent of the president of the union, or of the annual chapter: Sixthly, that they should specify some of the monasteries in England, which when they had recovered, they would let Cismar go back to the union of Bursfeld (to this article was answered, Canterbury cathedral or St. Alban's abbey): Seventhly, that they should send to the annual chapter an exact account of the income of the house: Lastly, that they should give assurances and swear that they would not act against these conditions; and that if they did, *ipso facto* they should forfeit all right to the monastery, &c.—These were the conditions for this and others, which they afterwards thus lent to the English congregation of their order" (Weldon, Chronol. Notes, 136, 137; Collect. i. 272—275).

Among the others, to which Weldon here alludes, were the monastery of Rintelin in Westphalia, of Dobran in the duchy of Mecklenberg, of Scharnabeck in that of Luneberg, of Weine in the territory of Brunswick, and of Lambspring in the bishopric of Hildesheim (Idem, Chron. Notes, 158; Collect. i. 412). Of these, however, Lambspring alone continued in the possession of the monks, at the beginning of the following century. It was originally a benedictine nunnery, founded in the ninth century, and given to the English congregation, in 1630, as an establishment for the female members of the order. By the influence, however, or by the authority, of Ferdinand, elector of Cologne and lord of Hildesheim, the nuns were afterwards removed; and, on the seventeenth of November, 1643, Clement Reyner, with two other monks, was ordered to take possession of it. Reyner was appointed abbot: in the following October, he was joined by the fathers Lawrence Appleton, Hilary Walker, and Bernard Palmer; and, a body of rules for the regulation of the house having been drawn up and adopted, the foundation of a permanent and flourishing establishment was laid. In the following year, the house was incorporated with the English congregation, and, with the consent of the abbot, subjected to its general constitutions:—"Abbatia Lambspring, assentiente reverendo admodùm abbate, subjecta est constitutionibus communibus congregationis nostræ". Weldon, Collect. i. 317, 412, 413; ii. 20—23, 30, 31; Chron. Notes, 158, 166.—*T.*]

[1] [The earliest of these were established by William, brother to Achaius, king of Scots, about the close of the eighth century. William had been employed by his brother to ratify the league between himself and the emperor Charlemagne, and had subsequently taken up his abode at the French court. Here he grew rapidly into favour; was successively made commander of the imperial forces, and governor of Tuscany; and concluded a life of civil and military fame by becoming the founder of several of these monasteries.—"And for that he was continually occupied in wars, he was never married: where-

Besides the houses mentioned, for religious men of the benedictine order, care was taken to erect others for women. They had already a monastery at Brussels,[1]

upon, growing in age, and purposing to make Christ his heir, he builded divers abbeys and monasteries, both in Italy and Germany, richly endowing the same with lands and rents, sufficient for the finding of such number of monks as he appointed to be in the said abbeys, wherein none might be admitted, according to the ancient ordinance by him devised, except he were a Scottish man born" (Hollinsh. v. 190. Ed. 1808).

The example of William was followed by several of the German princes; and houses for the sole admission of Scottish monks were soon multiplied through the country. In the course of years, however, the intentions of the founders were forgotten or neglected: the establishments gradually passed into other hands; and the Scots at last found themselves wholly debarred of that, which had been designed as their exclusive patrimony. At length, Mary of Scotland resolved to interpose her influence in their behalf. Through her ambassador, the bishop of Ross, she brought the matter under the notice of the emperor Rudolph; the claim of the Scottish monks was examined; and, on the eighth of October, 1578, an imperial mandate was addressed to each of the civil and ecclesiastical authorities of the empire, acknowledging the title of the claimants, and ordering the several houses to be restored to their respective owners. One of these monasteries was that of St. James, at Ratisbon, of which an account is given in a MS. entitled "*Ratisbona Religiosa*", formerly preserved in the episcopal archives of that city. The author of the MS. was father Boniface Strachan, a Scotsman. From it an extract was made, many years since, under the title of "*Descriptio monasterii S. Jacobi Scotorum, Ratisbonæ*", which is now deposited in the Advocate's Library at Edinburgh (A. v. 35). It is from this that I am enabled to print the mandate of the emperor Rudolph, to which I have above referred. See Appendix, No. XLIV.—*T.*]

[1] [See this history, ii. 179—181. Dodd's authority for the account there given is a MS. relation, drawn up and sent to him by order of the abbess, Theodosia Waldegrave, sister to sir Henry, and aunt to James, earl Waldegrave. Since the publication of the preceding volumes, I have discovered this paper; and I will now therefore subjoin some few extracts from it.—Having mentioned the arrival of Jane Berkley from Rheims, and the scheme for the foundation of the new monastery, under the "advice of reverend father William Holt, of the society of Jesus," it proceeds,—

"On the eleventh of July, 1599, they took possession of the house, which was bought by sir Rowland Longinus, viscount of Bergues. * * *

"They purchased the house and what belongs to it, and built the church and a regular monastery, with the fortunes they (the new nuns) brought, and what they could procure from their friends. There were then many English officers in the Low Country service, who voluntarily, out of their pay, contributed to the beginning of our house. We have a list of their names and charities registered amongst our benefactors.

'The duke Albertus and the infanta Isabella were present in the church, at the clothings and professions of our first religious; and sent in their dinner, and dined in the refectory. They gave several privileges to our house, and the infanta would have given a foundation, which the religious refused, [in order] to have their free choice in the elections of their abbesses; which they could not have enjoyed, had they accepted the charitable offer of the infanta Isabella; but must have depended on secular power for the choice of their superiors.

"The lady Berkley procured two religious from the convent of Rheims, from whence she came, to assist her in the beginning of the house; which when they had charitably performed, some years, [they] returned to their convent,

which proved a nursery to two others; one at Cambray, the other at Ghent. The first was begun by Mrs. Frances Gawen, who, being a professed nun of the benedictine monastery in Brussels, took from thence two others (viz., Potentiana Deacon, and Viviana Yaxley), in the year 1623, and laid the foundation of the monastery at Cambray, chiefly by the assistance of father Rudisend Barlow, president of the English benedictine monks.[1] The year after, viz., anno 1624, the

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much edified; being so humble [as] to say they had learnt themselves to be true religious, seeing with what fervour so many young tender ladies left their country, friends, and fortunes, to embrace with such cheerfulness a life of humility and mortification, and live in so exact an observance of our holy rule.

"The lady Berkley procured our statutes to be composed by a consult of prelates, abbots, and divines, well experienced in monastic discipline. They were confirmed by the pope, and delivered to the religious, in the year 1612, by the right honourable archbishop, the lord Matthias Hovens, on these conditions following,—that we should be subject to the bishop of the diocese, and have for our spiritual directors the society, who, at the beginning of our house, had much laboured in advancing the spiritual and temporal good of the monastery" (MS. belonging to the Dean and Chapter).

To the list of abbesses, as given in the preceding part of this history (ii. 181), the MS. adds the following names,—

Mary Vavasour, ob. 1676.
Ann Foster, resigned 1682, ob. ——
Dorothy Blundell, ob. 1713.
Theodosia Waldegrave, then living.

The number of persons professed in this house, from the time of its foundation to the date of the MS., was one hundred and thirty-six: the actual number of the community, about the year 1624, was seventy.—Perhaps I ought to add that, besides the benedictine convent, there appears to have been also, at Brussels, an English foundation of poor clares. The number of the community was twenty-five. "List of the Seminaries, Monasteries, Cloisters, and Colleges of his Majesty's subjects, in the provinces of the Netherlands, under the king of Spain's obedience, and the diocese of the bishop of Liege," MS. in the State Paper Office, among the Recusant Papers, No. 444.—*T.*]

[1] ["Some of the reverend fathers of our holy order, coming to Brussels, requested our lord bishop and lady Mary Percy to have some of the religious to begin Cambray, and be under their direction; which was accorded, and reverend dame Frances Gawen, dame Potentiana Deacon, and dame Viviana Yaxley were conducted thither by reverend father Radison" (Rudisend Barlow), "prior of the reverend benedictines of Douay, in the year 1623. Reverend dame Frances Gawen was the first abbess. From Cambray proceeded the English benedictine dames at Paris" (Theodosia Waldegrave's MS. relation, ut sup.). "The house," says Weldon, "was the refuge of the abbey of Femy, of the order of St. Bennet, a monastery not far from Cambray, which was begun by English, but then lay utterly ruined through the wars. Nor was the said refuge in a much better condition; for there was only four walls standing, without any partitions, and the walls cleft open from top to bottom, in many places; so that, before they could make it a dwelling-place, it cost them five hundred pounds sterling."

At first, the house was lent to them, with an understanding that they should

said monastery at Brussels sent out more of their religious, viz., Eugenia Poulton, Magdalen Digby, and Mary Roper, who, under the conduct of Mrs. Lucy Knatchbull, established a monastery of their order in Ghent.[1] To these we may add several other houses of

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be prepared to quit it, at six months' notice, but should be previously reimbursed whatever money they should have expended on the repairs of the building. Afterwards (1638), this loan was converted into a gift: the donation was confirmed both by the pope and by the archbishop; and arrangements were immediately adopted for effecting those improvements, on which the community subsequently expended a sum of little less than five thousand pounds. It was on the twenty-fourth of December, 1623, that the three ladies mentioned above took possession of the house. They were received by the archbishop in person, who said their first mass, and dedicated the convent to our Lady of Comfort. On the first of January, 1625, the same prelate solemnly professed nine others (Helen More, Margaret Vavasour, Ann Morgan, Catherine Gascoign, Grace More, Ann More, Frances Watson, and the lay sisters Mary Hoskins and Jane Martin); and, having exempted the community from his own jurisdiction, placed it entirely under the superintendence of the benedictine fathers (Weldon, Chron. Notes, 120—124).—At this time, the number of the inmates amounted to fifteen. List of Seminaries, &c. *ut sup.*—*T.*]

[1] [The idea of this foundation originated with the four ladies mentioned in the text. Dissatisfied with the government of their own house, and anxious to escape from the disputes which had constantly divided the community, they had, for some time, secretly meditated a separation. At length, they found means to impart their thoughts to "divers grave and learned reverend fathers": by them the design was readily approved; and, after two years of consultation as to the best method of proceeding, it was resolved to address the archbishop on the subject, to represent to him the inconvenience arising from the increased number of the establishment, and to request his concurrence in the foundation of an additional house. The archbishop at once entered into the plan, and, with a view to promote it, undertook to communicate with the abbess on the means of carrying it into execution. But the abbess, though she acknowledged the utility of the design, was unwilling to part with either of the ladies from whom it had emanated. Four others were named, to carry on the proposed work: these the abbess insisted on appointing; nor was it without much difficulty, nor without a long and earnest negotiation, that the originators of the scheme were ultimately successful in obtaining the commission for themselves. At length, however, matters were arranged, and the archbishop having secured the protection of the civil and ecclesiastical authorities of Ghent for the proposed colony, a small house in that city was taken (December 13, 1623), and the necessary preparations for their reception were immediately commenced. It was on Friday, the sixteenth of January, 1624, that Eugenia Polton, Magdalen Digby, and Mary Roper, accompanied by the two novices, Elizabeth Bradbury and Elizabeth Bacon, and under the superintendence of Lucy Knatchbull, left Brussels for their new habitation. On the following morning, the little colony was seen entering Ghent, destitute of all provision, bringing with them nothing but their clothes and bedding, and wholly trusting for support to the providence of Him, to whose service they had consecrated their lives. On Sunday, after mass, the agent, who had accompanied them from Brussels, waited on the bishop, to acquaint him with their arrival, and lay before him their dimissorial letters. The good prelate sent them his blessing, and, until he could visit them in person, confirmed their present superior in her

religious women of other orders, which took their rise much about this time. Among these, was the mo-

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temporary authority. A few days later, he repaired to the convent, and assured them of his fatherly protection. The suffrages of the nuns were then taken: dame Lucy Knatchbull was unanimously chosen abbess; and, on the twenty-first of March, the festival of their patron and founder St. Benedict, she was solemnly blessed and installed in her new office (Sir Toby Matthews's Life of Lucy Knatchbull, a MS. belonging to the Benedictine Ladies at Caverswall Castle, 86—100, 193[b]).

The community, at this time, consisted but of six individuals: on the nineteenth of the following month, however, these were joined by two others, Elizabeth Wigmore and Mary Knatchbull, niece to the abbess; and, before the end of the year, the house was enabled to number as its inmates no less than twenty-two persons (MS. Life, ibid. 101.[a] 104[b]; List of Seminaries, &c. in the State Paper Office). This rapid increase naturally relieved the poverty of the establishment: at the same time, however, it also induced the necessity of abandoning the present residence, and of seeking for other and more extensive accommodation. With this view, and after some negotiation, a piece of ground in the neighbourhood of the benedictine abbey of St. Peter was at length purchased. Here the foundations of a house and church were laid: the arrival of fresh members furnished additional means for the completion of the building; and, on the fifth of August, 1628, the abbess with her nuns removed from the original house, to take possession of the new dwelling.

In this place the community seems to have remained, until its expulsion by the French, in 1794. During the exile of Charles the Second, the monastery was the frequent resort both of that monarch and of his brother. Charles himself, in addition to numerous presents, settled an annuity of £500 on the house (Mary Knatchbull's MS. Relation, belonging to the Dean and Chapter); and James, who had been converted at Ghent, had no sooner succeeded to the throne than he began to meditate the removal of the establishment to this country. In illustration of this part of its history, I subjoin two letters, the only ones that remain of a correspondence which tradition reports to have been both voluminous and important. They were copied from the originals by the second Mary Knatchbull, who became abbess in 1711, and whose MS. belongs to the Dean and Chapter.

*King Charles the Second to the Abbess at Ghent. The Hague, May* 31, 1660.

"My Lady Abbess,

"I have received yours of the twenty-fifth, and I do assure you that, as I have, ever since my being in these parts, received many evidences of your good affection to me, so I shall never forget it, but shall always have a particular kindness for you and your community. I have directed the chancellor to send you a little present of four hundred English pieces, for the supply of your present necessities; and you shall find that I will do all I can, to make your condition more easy, and that I am your affectionate friend,

"CHARLES REX."

*King James the Second to the same. Whitehall, Jan.* 20, 1685—6.

"Madam,

"I would not have you imagine that I have been the less sensible of your letters and good prayers, because of my silence; for I am highly mindful both of them and your former signal favours: but, as the Almighty, by his prophet, speaking to comfort his people, useth this expression,—'he is silent in his love,' so I, his vicegerent, use the same expression to you: for, till I have settled the

nastery of Augustine nuns in Louvain, first established by Mrs. Mary Wiseman, in the year 1609. She, with

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affairs of my kingdom, I will keep in silence and reserve what I intend; which is, to have your cloister, our darling monastery, the first in my kingdom. Then you shall find I will not only make good my brother's promises, but add new favours, to show how much I am,

"Madam, your affectionate friend,

"JAMES REX."

The number of religious professed in this house, from its foundation to the date of Mary Knatchbull's MS. in 1718, was one hundred and sixty-three. The following list, which is printed, with some few additions, from a MS. note of Dodd's, belonging to the Dean and Chapter, contains the names of the abbesses and of several of the nuns.—*T.*]

*Abbesses.*

| | |
|---|---|
| Lucy Knatchbull, | ob. Aug. 5, 1629. |
| Eugenia Polton, | ob. 1645. |
| Mary Roper, | ob. 1650. |
| Mary Knatchbull, | alive in 1672. |

*Religious.*

| | |
|---|---|
| Elizabeth Bradbury, | ob. 1630. |
| Mary Knatchbull, | ob. 1627. |
| Gertrude Lawson, | ——— |
| Mary Pease, | ——— |
| Mary Southcote, | ob. 1641. |
| Margaret Knatchbull, | ob. 1636. |
| Hieronyma Waldegrave, | ob. 1635. |
| Paula Knatchbull, | ——— |
| Scholastica Roper, | ob. 1641. |
| Mary Flallan, | ob. 1639. |
| Mary Monson, | ob. 1658. |
| Thecla Bedingfield, | ob. 1636. |
| Benedicta Lawson, | ob. 1631. |
| Margaret Grey, | ob. 1640. |
| Aloysia Beaumont, | ob. 1635. |
| Lucy Perkins, | ——— |
| Elizabeth Markham, | ob. 1659. |
| Ignatia Fortescue, | ——— |
| Matilda Plumpton, | ——— |
| Eugenia Bedingfield, | ob. 1637. |
| Barbara Fortescue, | ob. 1666. |
| Flavia Carey, | ——— |
| Winifred Smith, | ——— |
| Justina Cobham, | ob. 1638. |
| Ursula Butler, | ——— |
| Mary Digby, | ob. 1641. |
| Constance Savage, | ——— |
| Dorothy Caryll, | ob. 1638. |
| Mary Comingsby, | ob. 1657. |
| Margaret Markham, | ——— |
| Briget Niddow | ——— |
| Theresa Gardine, | ob. 1650. |
| Monica Bart, | ——— |
| Mary Roper (the second), | ——— |
| Philippa Symons, | ——— |
| Scholastica Henneage, | ——— |
| Augustina Sittenbourn, | ——— |
| Frances Carington, | ——— |
| Aldeganda Finch, | ——— |
| Agatha Webbe, | ——— |
| Alexia Morris, | ob. 1657. |
| Mary Lawson, | ——— |
| Helena White, | ——— |
| Mary Bedingfield, | ——— |
| Placida Lopez, | ——— |
| Agnes Wakeman, | ——— |
| Anne Pordage, | ——— |
| Justina Peters, | ——— |
| Catherine Peters, | ——— |
| Paula Hall, | ——— |
| Briget Savage, | ob. 1666. |
| Mary Farmer, | ——— |
| Victoria Monson, | ——— |
| Valeria Stanley, | ——— |
| Frances Symons, | ——— |
| Theresa Mannock, | ——— |
| Anastasia Morris, | ——— |
| Vivienne Eyre, | ——— |
| Dorothy Morgan, | ——— |
| Xaveria Pordage, | ——— |
| Martha Kempe, | ——— |
| Benedicta Middleman, | ob. 1660. |
| Lucy Morgan, | ——— |
| Mary Bryan, | ob. 1669. |
| Henrietta Farmer, | ——— |
| Xaveria Paston, | ——— |
| Mary Lucy, | ——— |
| Elizabeth Yarborough, | ——— |
| Appolonia Porter, | ——— |
| Eugenia Pordage, | ——— |
| Scholastica Plowden, | ——— |
| Cecilia Yarborough, | ——— |
| Maura Fitzwilliams, | ——— |
| Honora Burk, | ——— |
| Mary Trevilian, | ——— |
| Dorothy Barefoot, | ——— |
| Cecily Price. | ——— |

several other English ladies, had been professed in St. Ursula's monastery, a house of Flemish nuns, in Louvain: but, being desirous to lay the foundation of a community for those of their own country, they applied themselves to the bishop of the diocese, and, having his leave, they purchased a building, with other conveniences, which they called by the name of St. Monica's monastery. The bishop, at first, seemed very unwilling to admit of this new establishment; apprehending they might become burdensome to the town, upon account of their slender revenues: but Dr. Cæsar Clement, an English clergyman, dean of St. Gudule's in Brussels, becoming a generous benefactor, and Mr. Thomas Worthington, of Blainscoe in Lancashire (who resided at that time in Louvain with his whole family), engaging to make good all deficiencies, that difficulty was removed.[1]

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[1] [The following is from a letter addressed to Dodd by Augustina Humberstone, one of the sisters of the house, in answer to his inquiries. It is dated October 5, 1718:—

"Sir,

"Our procuratrix, having so many necessary affairs, could not find time to comply with your necessary desires, so has transmitted the answering them to me; which I shall endeavour to do as well as I can.

"1°. *In what year founded.*—In the year of our Lord 1609, on the tenth of February, this monastery of St. Monica's, of the order of St. Augustin, canonesses regular, was begun in the town of Louvain, in the parish of St. James, in a house then hired, and after bought, of the abbot of Ulierbeck, of the order of St. Benedict, by seven religious women of the English nation, who had been professed among the Dutch in the monastery of St. Ursula, of the same order, and in the town; which said monastery of St. Monica's was erected in honour of the conception of our blessed Lady and of the glorious archangel St. Michael, under the title of St. Monica. Those first seven religious were after followed by others from St. Ursula's; so that, in all, there came seventeen nuns and two lay sisters.

"2°. *By whom founded.*—As to this second point, we had neither founders or foundation to begin with; relying only on the divine providence, which has brought us from so small a beginning to what we now are: for though the religious who began came forth with license of the archbishop, and free consent of the cloister of St. Ursula's, yet not one penny was given them, nor any provision for victuals, only the habit and furniture that belonged to each particular person, and some little household stuff as could be spared. All that was depended on was, five shillings in purse, and small annuities promised by the friends of those who came. Two friends, in particular, were our chief assistants,—Doctor Cæsar Clement, dean of St. Gudule's, at Brussels, and Mr. Thomas Worthington, of Blanscoe, who lived then in this town with his family, who was so kind as to engage himself and all he was worth to the bishop, for our maintenance, if promises should fail: but, God be thanked, we needed not

Much about this time, another community of religious women was attempted, and, in some measure, effected, by one Mrs. Mary Ward, a gentlewoman of singular zeal and qualifications. She had been admitted a novice among the poor clares, in Gravelines, in the year 1605, soon after the erecting of that convent:[1] but that way of life not being agreeable to her, she undertook to found a new kind of religious order (which some were pleased to call jesuitesses), by the assistance and persuasion of father Roger Lee, an English jesuit. The project was, to live in community, under certain vows, but without any obligation of inclosure; and their chief employment, besides their religious duties, was to in-

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that great charity. The name of that religious who was empowered by the bishop, and took charge of our beginning, was sister Elizabeth Shirley, of Shirley in Leicestershire. She died September 1, 1641, of her profession forty-six.

"3o. ad 4o. *The names of the superiors, and the year they died.*

Mary Wiseman, ob. July 8, 1633.
Magdalen Throckmorton, ob. Octob. 26, 1668.
Winifred Thimbleby, ob. Aug. 31, 1690.
Marina Plowden, ob. Nov. 1, 1715.
Delphina Sheldon, elected Nov. 12, 1715, still liveth.

"5o. *How many religious, &c.*—We have professed one hundred and eighty-four, of which number fifty-four are yet living.

* * * *
* * *

"As to what has been remarkable among us, though we have had several of singular piety, yet it has never been our custom to make any exterior flourishes, reserving all for the day of our Lord, when it is to be hoped all virtuous actions will appear with more lustre, the less they have been tarnished with the breath of human praise. However, this one thing I must say for ourselves, and which, I believe, all the world will allow, that we have hitherto always maintained peace and union, and hope the grace of God will conserve and augment it, to his honour and glory, for the time to come, Amen.

"And now, sir, give me leave to beg your pardon for failing in the two special points you required, *distinct and brief;* but when you reflect it is a woman you have employed, you cannot but in justice excuse these faults.

"Your humble servant,

"AUGUSTINA HUMBERSTONE."

"In the year 1624, our church being finished, it was consecrated, on the second of June, being Trinity Sunday, by the archbishop of Mechlin, and dedicated under the title of the Immaculate Conception of our blessed Lady; the bishop placing in the high altar the relics of St. Mauritius and his companions of the Theban legion", &c. (Original in the possession of the dean and chapter). The Douay Diary, speaking of these religious, pays them this simple tribute,—"Non habent aliam fundationem, quàm pensiones monialium. Vivunt admodùm piè, sanctè, et religiosè." i. 211.—*T.*]

1 [It must have been somewhat later than 1605; for the convent at Gravelines, as the reader will see presently, was not established until 1606.—*T.*]

struct young gentlewomen in all parts of education belonging to their sex. They first assembled in a house, at St. Omer's, about the year 1608, under the inspection of Mrs. Ward, their superior, who, being a person of good address, went frequently over into England, and persuaded several young ladies to embrace that way of life. Meantime, a great many objections were raised against this new institution, as well by the English nuns in Flanders, as by several grave priests in England, who looked upon it to be contrary to the canons of the church, and of no service to the cause of religion. And to this purpose, some instances were produced of improper behaviour in those, that were permitted to ramble abroad, upon the pretence of carrying on their interest. On the other hand, the jesuits mainly supported their cause, and took great pains to obtain them an establishment. Some of these gentlewomen were persuaded to take a journey to Rome, with hopes of obtaining his holiness's approbation; and, accordingly, they set out, well recommended by letters from persons of singular merit and authority. But they returned without being able to effect any thing, as to the main purpose of their journey.[1] Also, several learned divines

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[1] [The following passages, relative to the negotiations of these ladies at Rome, are extracted from the letters of John Bennet, the agent of the English clergy in that city. Bennet was originally appointed agent to the archpriest Harrison: but Harrison died before he could leave England; and he was then commissioned to act in the name of the whole clerical body. Writing from Rome to Dr. Bishop, in February, 1622, he says,—

"The jesuitrices here follow their suit underhand. The jesuits disclaim openly, but I know they assist underhand, what they can: but they will never, in this court, get other allowance, but with clausure, as I am made assured. The matter is a ridiculous folly to all the grave that I hear speak of it, in this court" (Original in my possession).

In another letter, addressed to Edward Bennet, on the 18th of March, he says,—"The jesuitrices have exhibited ridiculous petitions, which have scandalized this court. They would take a fourth vow, to be sent amongst the Turks and infidels, to gain souls. Their patrons have purchased no credit by them. Briefly, clausure they must embrace, and some order already approved; else dissolve. But of clausure they will not hear; and in other orders there is not the perfection they aim at: and this they have not been ashamed to answer to these great prelates, who think of them accordingly. *Infirmavit Deus consilium Achitophel.* I marvel what madmen advised them hither with these fooleries".—Again, a few weeks later, he writes,—"They are a folly to this town, and, I assure you, have much impeached the opinion which was held

were consulted concerning the nature of this new institution, and, among others, Francis Suarez, a noted professor of the society of Jesus, who gave his opinion in the following words:—"*Quapropter concludo, ut hoc institutum sit verè pium, stabile, et perpetuum, pontificis approbationem necessariam esse. Ita censeo sub censurâ ecclesiæ, et cujuscunque meliora sentientis. Conimbriæ, die* 5 *Junii*, 1615." I find this community at St. Omer's, in the year 1622, when they were sixteen in number, but labouring under such great necessities, that they were obliged to part with their house and goods. Some of them were returned upon their friends and relations in England; and a few obtained a kind of residence in the diocese of Cologne.[1] In the year 1629, they had planted themselves in the city of Liege; at which time, the chief of them were Mrs. Ward, Mrs.

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of the modesty and shamefacedness of our countrywomen. Finally, without clausure, they must dissolve; which is fit were known with you, that they delude no more young women, to the hazard of their ruin. Here are carried about many odd histories of them." Originals, March 18, and May 25, 1622, in my possession. See Appendix, No. XLV.—*T.*]

[1] [Dodd has taken his account of this community from Dr. Kellison's report to the nuncio, in the Douay Diary: but, in the last two sentences, he has evidently mistaken the meaning of his authority. Kellison, who wrote in 1622, really says that, about a year before, a creditor of the house had distrained on the premises, and sold the goods of the sisters by public auction. This loss, however, had been supplied by the bishop: but the number of the inmates continued small, not more than fourteen or sixteen, and of these the greater part were already preparing to remove to Liege. He then adds, as one of the distinguishing features of this society, that it possesses no regular or permanent revenue, in the way of foundation; that, as its members are free to quit the institute at any moment, so it can acquire no title to their portions; and that, in consequence of the poverty thus produced, it is not uncommon to see ladies, whose fortunes have been spent among the sisters, ejected from the society, and returned to the protection of their friends.—"Antè unum annum, vel circitèr, erupit creditor quidam per justitiam, et auctione distraxit omnia ejus bona mobilia. Sed dicitur eam lacunam reverendissimus Audomarensis replevisse. Numerus earum non est magnus ibidem, sed circitèr quatuordecim vel sexdecim, quarum jam maxima pars Leodium demigrat. Fundatio earum nulla prorsùs est: cum enim cæteræ, quæ religionem aliquam amplectuntur, secundùm ejusdem instituta ex dote, quotannis in censum aliquo modo redactâ, vivere possint, hæ non possunt, quia nulla est stabilitas earum quin subitò discedere à suâ professione possint. Hinc fit, nobiles fæminas, consumptis dotibus, ad parentum curam rursùs rejici" (Douay Diary, i. 212).—The "List of Seminaries", &c., in the State Paper Office, tells us that, in 1624, the community, which it calls "a house of English Jesuitesses, Wardists, Expectatives (from their expecting the papal approbation for their institute), or Galloping Girls", numbered seventy members at Liege.—*T.*]

Twitty, and Mrs. Fortescue: but not being countenanced there, they removed to Munich in Bavaria, where they met with greater encouragement, and, after some time, procured a handsome settlement, which they still enjoy.[1]

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[Besides these convents, there were three others, which may be briefly noticed. The first was that of the poor clares, or Franciscan nuns, at Gravelines. It was established about the year 1606; but to whom it was indebted for its origin, or by whose exertions it was ultimately completed, we are not told. The land for the erection of the house was given by the governour of the town: the church was built by one of the Gages, the monastery by the subscriptions of various charitable individuals. The foundation consisted only of the portions of the several nuns, and the contributions of their more opulent friends: but the discipline of the house seems to have been the subject of general admiration; while the virtues and piety of its inmates were a constant source of edification to the surrounding neighbourhood.[2]—The number of the community, in 1624, was sixty-five.[3]

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[1] [In point of fact, however, they could have continued to exist there only as a lay body; for their institute was condemned and suppressed by Urban the eighth, in a decree which was solemnly put in force by the archbishop of Cologne, on the thirtieth of April, 1630. On that day, Ann Buskell the provincialess, and Ann Copley the sub-prioress, with the sisters Anne Gage, Elizabeth Hall, Bridget Hyde, Catherine Smith, Ann Morgan, Elizabeth Thamney, Helen Pick, Frances Fuller, and Frances Poinets, were assembled at Liege, in the presence of the vicar of the town and four other ecclesiastical dignitaries: the order of the archbishop for the execution of the papal mandate was read and explained to them: and a term of forty days having been granted for the settlement of their affairs, they were forbidden, after the expiration of that period, to assume any but a lay character. This proceeding was adopted in consequence of a letter from the nuncio, enclosing the decrees of the pope and the propaganda, and requiring the archbishop to suppress the institute in his diocese. Similar letters were written to Naples and Germany, and were of course followed by similar results. See Appendix, No. XLVI.—*T.*]

[2] [Douay Diary, i. 211.—"Fundata est domus supra pensionibus virginum, et eleemosinis amicorum. * * * Florent magnâ sanctitatis et rigoris laude, et magnæ admirationi sunt spectantibus." Dr. Kellison's Report, ibid.—*T.*]

[3] [List of Seminaries, &c., ut supra, in the State Paper Office.—*T.*]

Another house, belonging to the poor clares, was erected at Brussels, about the year 1620. The name of its founder is not recorded. Its establishment, however, appears to have met with considerable opposition at first; nor was it without much difficulty that its inmates at length succeeded in placing it on a permanent foundation.[1]—In 1624, the community consisted of twenty-five members.[2]

The Theresians, or reformed carmelites, obtained an establishment at Antwerp in the year 1619. For this they were indebted to the munificence of an English lady, daughter of Lord Teynham and widow of Sir Nicholas Lovel, who had long since conceived the idea of erecting a religious house, and who now, by the advice of her director, father Henry Silisdon, a jesuit, resolved to bestow it on such of her countrywomen as should embrace the rule of St. Theresa. In the first instance, she proposed to place the foundation at Liege, under the direction of the bishop: but the provincial of the barefooted carmelites, who claimed the government of all houses belonging to the order, refused to surrender his jurisdiction; and the project, for some time, seems to have been abandoned. At length, however, the negotiation was renewed. The foundress consented to leave the establishment under the control of the provincial; and the latter, after some opposition, agreed that the nuns should be permitted to choose their own confessors, and should have full liberty, on all occasions, to use the counsel and assistance of the fathers of the society. On these terms the treaty was concluded. The provincial engaged to secure the patronage of the infanta for the undertaking; and, as Antwerp appeared to offer more conveniences than Liege, it was finally resolved to fix the establishment in that city. There a house was now taken and prepared for the reception of the religious. To ensure its permanency, a small endowment of sixteen hundred pounds was secured to it

[1] [Kellison's Report in the Douay Diary, i. 212.—*T.*]
[2] [List of Seminaries, &c., ut sup., in the State Paper Office.—*T.*]

by the foundress;[1] and two English nuns, Anne Worsley and Theresa Ward, the first from a house at Mechlin, the second from Poland, with three Flemish sisters from Brussels and Louvain, were immediately summoned to become the first members of the new community. On the first of May, 1619, the house was solemnly dedicated, under the patronage of St. Joseph and St. Anne; and, six weeks later, Anne Worsley, who in religion had assumed the name of Anne of the Ascension, was declared prioress.[2]

For some time, the community seems to have proceeded undisturbedly in the tranquil and edifying pursuit of its religious duties. By degrees, however, the reservations, extorted by the foundress from the superior of the friars, became a source of jealousy between the two bodies; and, before the end of the year 1621, a loud and angry dispute had already commenced. The nuns, availing themselves of their privilege, had chosen a jesuit for their spiritual director: the friars felt, or pretended to feel, the inconvenience of this selection; and the prioress received a hint that it would be more satisfactory both to the sisters and to herself, if, for the future, the appointment of the confessors were vested exclusively in the provincial. This intimation was, of course, disregarded by the prioress: it was repeated in a more authoritative tone, but without producing its effect; and the friars, therefore, to enforce submission, first revised the constitutions of the order, and then commanded the nuns, in virtue of obedience, 1622 to destroy the former copy of the rules.[3] But this was

[1] [To this, however, should be added the ornaments and vestments for the church, valued at six hundred pounds, together with a further sum of three hundred pounds bequeathed to the house at her death (Anne Worsley's Relation, original MS. at Lanherne, n. 7). This was independent of other benefactions, bestowed on the community during her life.—*T.*]

[2] [Anne Worsley's MS. Relation, n. 1—8, 11.—*T.*]

[3] [In conjunction with this measure, the friars also instructed their agents in England to represent the matter to the principal families, and, if possible, deter their members from joining or assisting the refractory sisters. Speaking of the establishment at Antwerp, Dr. Kellison says,—"in præsenti magnas difficultates patitur, eâ de causâ quòd fratres carmeli regulam mutare voluerunt; quod cum illæ recusarent, mandaverunt duobus qui in Angliâ laborabant, et ad id cœnobium familias nobilium destinabant, ne quas ulteriùs transmittendas

the signal only for increased resistance. Instead of yielding blindly to the mandate of the friars, the nuns, under the guidance of their superior, resolved, in the first instance, to ascertain the legality of the precept. They appealed to the universities; they addressed the nuncio; they sought the counsel of the most enlightened canonists of their acquaintance; and, finding themselves justified in the course which they had adopted, they finally carried their cause to Rome, and submitted themselves and their grievances to the disposal of the supreme pastor.[1] But here the general of the order interfered, to arrest the proceedings, and secure the religious from the danger of further molestation. In a memorial addressed to the pope, he referred to what had just taken place. He spoke of the two monasteries of Louvain and Antwerp; reminded the pontiff that they had hitherto been subject to the jurisdiction of the friars; and, expressing an anxiety that the latter should more exclusively apply themselves to the duties and exercises of religion, concluded by requesting that the government of the two convents in question might be transferred to their respective bishops. In consequence of this, a breve, issued on the seventeenth of March, 1623, relieved the friars from all further concern in the superintendence of the two houses; and the nuns of Antwerp, placed at length under the direction of the bishop, again resumed that peaceful career, which, for a moment, had thus so painfully been interrupted.[2]—The number of the nuns, in 1624, is said to

curarent: quo effectum est ut prædicta domina (Lovel) cogeretur ipsa in Angliam transire, si quà posset, hunc defectum resarcitura." Report in Douay D'ary, i. 212.—*T.*]

[1] [Account of Proceedings, MS., at Llanherne.—*T.*]

[2] ["Whereas our beloved son, Dominic of Jesus Maria, vicar general of the brothers of our Lady of Mount Carmel, called the discalceate, desireth much that the said brothers, residing in the Low Countries, may be by us exempt and delivered from the charge and government of the religious women of the monasteries of the towns of Louvain and Antwerp, and that these may be subjected to the charge and government of the archbishop of Mechlin and bishop of Antwerp, to the end that the said brothers may be less employed and distracted from their studies, preaching the word of God, and hearing confessions, and may better and more easily satisfy the obligation of their office; and whereas he hath humbly supplicated us that we would, of our apostolical benignity, provide in the things above said,—therefore we have, by our apostolical

have been about twenty: that of the persons professed in the house, from its foundation to its suppression, in 1794, was one hundred and twenty-nine.[1]—*T.*]

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authority, exempted and delivered the said monasteries", &c. — (Breve of Gregory XV. MS. at Llanherne).

Of the edifying conduct of the religious, the bishop of Antwerp thus speaks, in a letter written to the archbishop of Mechlin, in May, 1658;—"As for the English discalced nuns, which are under my obedience, * * * I can assure your lordship that, in my diocese, I have not any one monastery of nuns, in which is greater observance, charity, and edifying love than in those two (at Antwerp and Lierre), which may serve for a pattern to as many monasteries as are in the world. And I am moreover bold to say that, having had in my charge (being companion in the general government of the order of preachers) to the number of about three thousand convents of nuns of the same order (I speak of the government in general), and having visited in person more than two hundred convents of nuns, namely, of Italy, Rome, Naples, Cologne, Genoa, and throughout all France, Spain, and Flanders, I can speak it with truth, I have not found any more religious, more observant of regular discipline, more obedient, or with greater charity; not any that might be said to excel or equal these my two monasteries of Antwerp and Lierre" (Translated copy at Llanherne).—Again, in a certificate dated August 14, 1661, the same prelate thus expresses himself in reference to the nuns of Antwerp,—"Attestamur et indubitatam fidem facimus, sanctimoniales nostras ordinis carmelitarum excalceatarum, nationis Anglicæ, Antwerpiæ sub curâ nostrâ degentes, in eodem monasterio vivere sub exactissimâ regulari observantiâ, ac perfectâ disciplinâ monasticâ, in tantâ pace, concordiâ, ac mutuâ charitate, adeo ut vitam angelicam potiùs quàm humanam ducere videantur, in ædificationem exemplarem omnium Christi fidelium, et speculum vitæ religiosæ". Original at Llanherne.—*T.*]

[1] [List of Seminaries, &c., ut sup. in the State Paper Office; Llanherne MS.—The following are the names of some of the religious, collected from the few scattered papers that have been preserved to the community, from the wreck of their house in 1794.—*T.*]

*Prioresses.*

Anne Worsley (of the Ascension), ob. Dec. 22, 1644.
Anne Wright (of St. Augustine), ob. 1647.
Theresa Ward (of Jesus), ob. 1649.
Lucy Bedingfield (of St. Ignatius), ob. Jan. 6, 1650.
Ann Keynes (of the Ascension), alive in 1660.
Anne Harcourt (of S. Maria), ob. Sep. 11, 1678.
Mary Margaret Wake (of the Angels), ob. 1678.
Mary Wigmore (of the Holy Ghost), ob. 1692.
Francisca Theresa Turner, ob. 1693.
Mary Sonias (of the B. Sacrament), ob. June 24, 1710.
Josepha Wigmore (of Jesus Maria), ob. 1697.
Mary Xaveria Burton (of the Angels).
Mary Frances Theresa Birkbeck.
Delphina Smith (of St. Joseph), ob. 1732.
Theresa Joseph Bond (of the Sacred Heart), ob. 1735.
Mary Joseph Howard (of St. Theresa).
Theresa Howard (of Jesus).
Ann Joseph Keynes (of the Ascension), ob. Oct. 1764.
Theresa Joseph Howard (of the Sacred Heart), ob. 1775.
Frances Xaveria Maddocks (of Divine Providence). She was elected first in 1775, and again in 1784; and was the superior with whom the nuns came to England in 1794. She died at Llanherne, Jan. 19, 1805. In the interval, between 1778, and 1784, the prioress was
Mary Margaret Brent (of the Angels).

The next establishment I shall mention is that of the friars of the order of St. Francis, in the university of Douay. One Mr. John Gennings, a clergyman educated in the English college at Douay, having observed that all the ancient religious of the order of St. Francis were in a manner extinct, and being desirous to have it renewed among the English, entered into the noviceship, and was professed.[1] Soon after, he persuaded several students in the English colleges abroad, especially in Douay, to follow his example; and made interest that they might pass through their noviceship in a Flemish

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*Religious.*

Anne Doyne (of Jesus).
Margaret —— (of St. Francis).
Clare —— (of Jesus).
} First members of the house.

Elizabeth Worsley (Theresa of Jesus Maria), afterwards prioress at Alost, profest, June 11, 1619; ob. 1652.
Mary Prater (of Jesus), profest, June 11, 1619.
Margaret Downs (of St. Theresa), afterwards prioress of Lierre, profest, June 21, 1624.
Mary Trentham (of St. Albert), prof. June 21, 1624, ob. March 20, 1629.
Margaret Gifford (Angela of the H. Ghost), prof. June, 1627.
Anne Leveson (of St. Theresa), afterwards prioress at Dusseldorf, prof. July 16, 1627.
Helen Wigmore (of the H. Cross), prof. Dec. 25, 1628.
Grace Palmer (Magdalen of the H. Cross), prof. April 8, 1630.
Mary Chichester (of the Angels), prof. May 8, 1630, ob. 1632-3.
Catherine Windon (of the B. Sacrament).
Mary Anne Foster (of Jesus).
Mary Powdrell (of Jesus).
Elizabeth Emery (of the Visitation).
Elizabeth Leveson (Eugenia of Jesus).
Margaret Mostyn (of Jesus).
Ursula Mostyn (of All Saints).
Susanna Winter (Hieronima of St. Michael).
Mary Vaughan (of St. Joseph).
Margaret Johnson (of St. Francis).
Catherine Powell (Alexia of St. Winifred).
Ann Harcourt (of S. Maria), first prioress at Hoogstraet, ob. 1678.
Mary Harcourt (of the Angels).
Aloysia Wright (of St. Bernard), second prioress at Hoogstraet, prof. July 14, 1637.
Ann Keynes (of Jesus).
Mary Cotton (of the B. Sacrament).
Anne Chamberlain (of St. Joseph).
Theresa Wakeman (of Jesus), third prioress at Hoogstraet.
Mary Howard (Electa), fourth prioress at Hoogstraet.
Magdalen Bedingfield (of St. Joseph), prioress at Nuremburg.
Anastasia Wakeman (of Jesus).
Anne Barker (of Jesus).
Anne Somerset (of the Angels), daughter of Henry, marquess of Worcester, ob. 1650.
Mary Morgan (of Jesus), ob. 1655.
Clare Darcy (of the Annunciation).
Margaret Goodlad (of St. Joseph).
Theresa Wakeman (of the H. Ghost), ob. Nov. 9, 1702.
Magdalen Crages (of St. Joseph), ob. Feb. 1, 1710.
Anne Theresa Howard (of the Nativity), ob. May 31, 1710.
Theresa Joseph Barber, ob. June 16, 1710.

[1] [He received the habit "in 1614, or in the following year," at the hands of William Stanney, "at that time commissary-general of the franciscan province of England."—Certamen Seraph. 15; Collect. Ang. Minor, 262.—*T.*]

convent, in the city of Ypres. Accordingly, several hopeful young men embraced the proposal; and, when they had completed their time of probationship, means were found to procure them a house and other conveniences in Douay, where they laid the foundation of a small convent, about the year 1618. In a little time, they were provided with masters and scholars, and had the liberty allowed of admitting novices among themselves.[1] At length, growing more numerous, by an express bull from Rome, they were made a distinct and independent body; and father Gennings nominated to be their first provincial.[2] This restorer of the English franciscans also took a great deal of pains in founding a convent of religious women of the same order. Their first convent [as the reader has seen], was erected at Gravelines, about the year 1606, from whence father Gennings invited some of them to settle in Nieuport, in Flanders. They accepted of the proffer, and remained

[1] [Certamen Seraph. 16, 18, 131. Dr. Kellison, in his report to the nuncio, describes the establishment as extremely poor, but as constantly improving. Inconsiderable in point of numbers, destitute of all endowment, and depending for their support on the alms of the charitable, the friars had nevertheless contrived to erect a handsome church, and, when Kellison wrote, were daily expecting its consecration. The object of their institution was, to prepare additional labourers for the English mission: and its fruits were already visible, no less in the learning and virtues of the members whom it had sent out, than in the edifying example of those who still sojourned within the precincts of the convent (Douay Diary, i. 210). In 1624, the number of resident members was fifteen. List, &c. in the State Paper Office.—*T.*]

[2] [The truth is, that, for some time, the increasing number of the brethren had suggested the idea of obtaining the restoration of the English province; and accordingly, in 1625, father Davenport, known in religion as father Francis of St. Clare, was despatched to Rome, for the purpose of urging this measure in the general chapter of the order, held in that city. Davenport was partially successful. The province, by the authority of the chapter, was restored to most of its ancient privileges; and Gennings, with the inferior title of warden, which was to continue until the brethren should still farther have increased, was appointed its first superior. Four years later, the restoration of the body was completed. By an instrument dated at Madrid, on the sixth of August, 1629, father Bernardine de Senis, the minister-general of the order, announced that the conditions, imposed by the last general chapter, had been fulfilled; he declared that the number of religious was now sufficient, to entitle them to the full privileges of a separate province; and he concluded by appointing Gennings to act as provincial, Davenport to fill the office of warden, and Bonáventure Jackson, Nicholas Day, Francis Bell, and Nicholas Pickford, to discharge the duties of definitors. Of course, this restoration was sanctioned and confirmed by the authority of the holy see.—Certamen Seraph. 18—21, 278, 279.—*T.*]

there for several years: but some inconveniences attending their abode in that place, they removed to Bruges, in the year 1658, where they still reside, and are commonly distinguished by the name of the third order of St. Francis.

It may be remembered, that, though father Persons had taken singular pains in founding colleges, and increasing their revenues, both in Spain, Flanders, and other places, yet they were not principally designed for those of his own order, but for the use of the clergy, over whom they were placed as moderators and inspectors. The English jesuits themselves had their education among foreigners, both as to their noviceship, studies, and other conveniences. However, father Persons, before he died, was endeavouring to make them independent in their economy, and to provide for them in all those respects. He had a great interest with a Spanish lady, Aloysia de Caravajal, who had a particular regard to the English that lived in exile. In the year 1604, December 22, she had placed a large sum of money in father Persons' hands, to be laid out in founding a noviceship for the English fathers of the society of Jesus. The first place pitched upon for that purpose was Louvain, where they remained for some time; till, their revenues being diminished by the wars and other misfortunes, they were obliged to seek for a new habitation. And it was not long before Providence provided for them, by the industrious charity of James Blase, bishop of St. Omer's, a franciscan friar. This charitable prelate obtained for them the monastery of Watten, near St. Omer's; the yearly income whereof amounted to three thousand florins. It was then in the possession of regular canons of St. Augustin's order; and they being not above seven or eight persons, and their lands in part alienated, with the consent of the bishop of Rome, to augment the temporalities of the see of St. Omer's, when it was first erected into a bishopric, the pope was persuaded to let the English jesuits have the remaining lands, for the purposes above-mentioned, and to have the canons, that were possessed of the

house at Watten, cantoned into other monasteries of their order. This gift of Watten monastery was confirmed to the English jesuits, by a deed bearing date the third of the ides of April, 1611, though they entered not into possession till some years after. The jesuits, having obtained this establishment for their novices, soon after procured another at Liege, for the convenience of their scholars, as they advanced in higher studies. George Talbot, of Grafton, afterwards earl of Shrewsbury, was the first benefactor, and laid the foundation of it, in the year 1616. It was completed in the year 1622, when father Thomas Gerard was made the first rector of the college. Afterwards, through the interest of the said George Talbot, the duke of Bavaria settled upon this college an annual pension, the interest of two hundred thousand florins; and the settlement bears date September 8, 1626.[1]

1611 Ap. 11.

[1] [This account of the origin of the three jesuit houses, at Louvain, Watten, and Liege, is taken, but incorrectly, from More. It was at Watten, in fact, and not at Louvain, that the original establishment was intended to have been placed. Watten, situated about two leagues from St. Omer's, had long been distinguished as a religious residence. So early as the year 1072, Clementia, countess of Flanders, had selected it for the foundation of a church, which she erected under the joint patronage of the Blessed Virgin, St. Nicholas, and St. Richarius: a monastery for canons regular was afterwards added to the establishment; and the whole, enlarged and enriched by the munificence of succeeding princes, continued, during three centuries, to extend the influence of its means and of its example to the surrounding country. But wealth—the revenues of the house amounted to the annual sum of twenty-four thousand florins, considerably more than 2000*l.*—at length produced its almost inevitable consequences, luxury and sloth. Discipline was neglected, the exercises of piety were abandoned, vice and immorality succeeded to the edifying demeanour of earlier years, while the failure of every private attempt to correct the licentiousness of the canons showed only the necessity of some vigorous and public measures for repressing the scandal of their lives. At length, the erection of several new bishoprics in Flanders presented a favourable opportunity for applying an effectual remedy to the disorder. In pursuance of a mandate issued by Pope Pius the fifth, the establishment was dissolved, and the canons themselves committed to the custody of the new bishop of St. Omer's. At the same time, the revenues of the house were divided into two portions. Twenty-one thousand florins were attached to the endowment of the bishopric; and the remaining three thousand were assigned to the maintenance of eight religious, who were to be selected by the bishop, and were to succeed, as a community, to the house from which the canons had been ejected. This must have been about the year 1570. Thirty years later, however, the last part of the decree was still unexecuted; and when Blase was consecrated to the see of St. Omer's, he found that no steps had been taken for the appointment of the future occupants of the monastery. It now occurred to him that the revenues, destined for the private maintenance of these persons, might be more

About these times also, viz., in 1622, the jesuits purchased a house in Ghent, which was to be a place of

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beneficially employed in preparing labourers for the English mission. Accordingly, after some deliberation, he proposed the matter to Scondonchus, the rector of the seminary at St. Omer's, and through him to father Persons: by the latter it was laid, first before the general, and afterwards before the pope; and, on the sixteenth of February, 1607, the pontiff, who was Paul the fifth, announced to the bishop his entire approbation of the scheme for transferring the house, with its endowment, to the purposes of an English novitiate.

But a serious impediment still opposed itself to the completion of the undertaking. Aware of the difficulties that might arise, Persons had already induced the Spanish king to recommend the design to the special protection of the archduke Albert: but the jealousy of his own subjects, added to the remonstrances of the English ambassador, compelled the latter to pause; and, though he ultimately (April 11, 1611) consented to the proposal of transferring the property to the uses of the society, yet he ordered the conveyance to be made exclusively to the Flemish fathers, and resolutely persisted in excluding the English from a residence in the house (More, 293—298).

It was from the opposition and delay thus created by the court of Brussels, that the establishment at Louvain took its rise. Anxious for the foundation of a novitiate, and unable to obtain an immediate settlement at Watten, Persons resolved at once to employ the means which Aloysia de Caravajal had placed at his disposal, and to seek elsewhere for that accommodation, which the growing necessities of his order rendered indispensable. It chanced at the moment (1607), that an ancient residence, belonging to the knights of Malta, at Louvain, was vacant. This was forthwith hired; father Thomas Talbot was despatched from Rome, to take charge of the new establishment; and, in the course of a few months, a numerous and exemplary body of novices had assembled within its walls (More, 290, 293, 355, 356). In 1612, the foundation of a college was added to that of the novitiate (More, 405, 406; Flor. Ang. Bavar. 4; Douay Diary, 209): but the number of the inmates soon outgrew the accommodations of the place; and an infectious disorder, indicative perhaps of the insalubrity of the situation, having appeared among the novices in the spring of 1614, it was resolved, if possible, to exchange the present residence for another and more commodious settlement at Liege. At first, however, the plan was confined to the removal of only one part of the establishment; and father John Gerard, with whom the design seems in a great measure to have originated, was commissioned to negotiate for the purchase of the requisite premises. By the beginning of October, the business was completed. About ten acres of land, with suitable buildings, near the walls of the town, were selected and bought: the necessary repairs and alterations were made; and, on the first of November, the novitiate, under the direction of Gerard, took possession of its new habitation (More, 411, 412; Flor. Ang. Bavar. 4, 5. See Appendix, No. XLVII.). It was now resolved to extend the original design. Encouraged by the benefactions of numerous individuals, and in particular by the munificence of Talbot, Gerard, in 1616, laid the foundations of the college alluded to by Dodd. By the end of the year, the building seems to have been completed ("currente hujus sæculi anno decimo sexto, domus continuò surrexit eam in formam quâ hodie conspicitur;"—Flor. Ang. Bavar. 6): two schools, one of philosophy, the other of divinity, were immediately opened (More, 413, 418; Flor. Ang. Bavar. 8); and the establishment, fostered by the charity of its English friends, had already grown into importance, when the death of the archduke Albert, in 1621, still further enlarged its means, by placing another house at its disposal.

That house, as the reader will probably anticipate, was the monastery at

residence for such of their fathers as were disabled, either through age or infirmity, or any other way rendered unserviceable for the mission.[1]

Besides these, I meet with a college founded at Douay, about 1620, for the benefit of the Scottish jesuits. It had an earlier beginning; and seems, at first, to have been designed for the use of the secular clergy. The account I have of it is this:—John Lesley, bishop of Ross, in Scotland, well known by the services he

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Watten. Though deprived of it as a residence, the English fathers had long since (Sept. 8, 1612) obtained an instrument from Rome, confirming to them the exclusive enjoyment of its revenues. Still, there was an insecurity in its tenure, arising from the temper of the government, which rendered its possession more than usually precarious; and, accordingly, during the negotiations for the property at Liege, a proposition for the sale of Watten appears to have been seriously entertained (Stonyhurst MSS. Ang. A. iv. 19). But the death of Albert at once relieved the fathers from all further apprehensions on this subject. By Isabella, his successor in the government of the Low Countries, the restriction imposed by the archduke was immediately removed: the monastery was surrendered to the purposes of its recent destination; and a resolution was forthwith adopted, to transfer the novitiate from Liege to the new residence, and to appropriate its present habitation to the uses of the college. In the course of the year 1622, this arrangement was completed. The novices at Watten were placed under the superintendence of father Henry Silisdon; the students at Liege under that of father Owen Shelly: the splendid endowment mentioned in the text was subsequently secured to the latter; and the two establishments, now placed on a permanent foundation, continued, till the suppression of the society, to be distinguished as the fruitful nurseries of piety and learning (More 416—422; Douay Diary, 209, 210. For a description of Watten, see Sanders, Flandria Illustrata, ii. 494).—The number of the inmates at Liege, in 1624, was sixty; at Watten twelve. List of seminaries, &c. *ut sup.* in the State Paper Office.—*T.*]

[1] [The establishment, here described as a refuge for the superannuated or invalid members of the society, was, in point of fact, a "house of the third probation," where those who had completed their studies might prepare themselves immediately for the duties of the mission. It was founded by Anne, countess of Arundel, in 1620; and, when Dr. Kellison wrote his report, two years later, possessed an endowment sufficient to maintain sixteen persons (Douay Diary, i. 209).—The countess of Arundel "buying a house in the city of Ghent, in Flanders, where those of them, who had ended their studies, might make their third probation, and better prepare themselves to labour in God's vineyard, according to their institute, she furnished it with all things necessary for their use, maintained it during her life, and left competent means for the perpetual maintenance thereof; with order, that, whenever it should please God to convert England to the catholic faith, that house should be transported, and placed in the city of Carlisle, where she was born; to the end that, not only those of that city, and her tenants thereabouts, but all the whole country adjoining, might receive spiritual assistance, by the preaching, teaching, and other pious labours and endeavours of those religious persons, who, she intended, should be maintained therein."—Life of the countess of Arundel by her chaplain, a MS. belonging to the duke of Norfolk, p. 33. See also More, 443.—*T.*]

performed for Mary queen of Scots, being retired to Paris, and understanding how successful Dr. Allen had been, in establishing a nursery for missioners at Douay, was desirous to employ his time and interest in the same manner, for the benefit of the catholics of Scotland. He communicated his design to Dr. Allen, as I find by a letter to him, dated October 19, 1579, wherein he desires to be informed of the method Dr. Allen followed, in governing his college. Soon after, he founded a college in Paris for the Scottish clergy, who still are in possession of it. He gave a beginning to another college in Rome, also for the use of the Scottish clergy: but, as the custom was at that time, the jesuits became moderators and inspectors. My account informs me that there was a provision for ten students.

Before bishop Lesley died, which was in the year 1596, he left a sum of money towards founding a college in Flanders, also for the benefit of clergy missioners; and the place designed for it was Antwerp, where a convenient house was provided, about the year 1609. Here also the jesuits were appointed to be superiors and managers. But, before the house could be provided with all things necessary, they were obliged to remove to Douay, in the year 1612. During this time, several Scottish clergymen, educated in this college, were sent upon the mission by the Walloon jesuits, who governed the house. But, some years after, the economy of the house was entirely altered. One Curle, a Scottish jesuit, son of Mr. Curle, secretary to Mary queen of Scots, having augmented the old fund with an addition of five thousand florins, was made rector of the college, in the year 1620; since which time, foreign jesuits have been excluded from the government of the house, and, by degrees, the clergy were deprived of the benefit of their education in the college; that part of the original institution being laid aside, and otherwise complied with by Scottish jesuits.[1]

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[1] [In this place I must be permitted to offer a few remarks:—
I. Though Dodd professes to speak only of the house at Douay, he mixes

Another remarkable establishment was that of the English college at Lisbon, which is thus related in the

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up with his account two other foundations, one at Paris, the other at Rome. These, however, were distinct establishments.

II. He tells us that the college was originally commenced at Antwerp, in 1609; that it was erected with funds bequeathed by the bishop of Ross; and that it was finally removed to Douay in 1612. On the other hand, Mr. Oliver, writing on the authority of papers at Stonyhurst, to which I have not access (I suspect on that of a letter addressed by father Duguid to father Patrick Gordon, in 1765, the *original* of which happens to be in the possession of the right rev. Dr. Kyle), gives a totally different account. He places the original endowment at Paris, in 1580, describes Mary of Scotland as the foundress, and, without mentioning Antwerp, says that, in 1581, the establishment was removed to Pont-a-Mousson, thence in 1594 to Douay, afterwards to Louvain, and finally, in 1608, back again to Douay (Collectanea, 3). There is no doubt that Mr. Oliver approaches nearer to the truth than his predecessor: yet, even in *his* narrative, there is much both of omission and mistake.

1°. The origin of the foundation at Paris is to be traced, not to 1580, but to the early part of the fourteenth century, when Andrew, bishop of Moray, erected and endowed a house for the maintenance of four "poor scholars," who were to be natives of Scotland, and were to attend the theological schools of the university. About the year 1566, this house was in the custody, and under the superintendence, of a clergyman named Winterhope: subsequently, it attracted the notice of Beaton, archbishop of Glasgow; and by him, as formerly by Winterhope, was recommended to the patronage of the Scottish queen. So early as 1571, we find that Mary had established some bursaries in connection with this institution. In that year, she presented Alexander Hamilton to one,—"Je vous prie," she says, writing to Beaton, "regarder d'accommoder une pension d'ecolier, de quoi Bothwelhach a fait requêt, pour Alexandre Hamilton" (Original in cipher, in the possession of Bishop Kyle): in 1574, she presented a person named Bastien, in a similar way,—"J'ai donnée aussi une place de mes ecoliers au fils de la femme de Bastien; faites le recevoir" (Original, ut sup.): but her circumstances prevented her from making a more extensive or more general foundation (Mackenzie's Scotch Writers, iii. 362); and it is certain that, during her life, the establishment had not assumed the regular form either of a college or of a seminary. Even so late as 1603, when Beaton made his will, its members were still existing on their separate exhibitions. In that instrument, the archbishop describes them as "pauvres ecoliers de la nation Ecossoise, venans du pais d'Ecosse en cette ville de Paris, pour etudier:" he bequeaths to them a house in the Rue des Amendiers, makes them heirs to his residuary property, and concludes by appointing the prior of the Carthusians and his successors for ever, to be the superiors and directors of the foundation (Bishop Kyle's Miscellaneous Papers, edited by M'George, 76, 77). Still, the members were not incorporated in one establishment; nor was it until after Beaton's death, that the various funds belonging to the "scholars" having been collected and consolidated by royal edict, the present Scots' college rose on the very spot, which, almost three centuries before, had been assigned by the bishop of Moray to this sacred purpose (Mackenzie, iii. 466).—From all this it is obvious that the real founders of the seminary were the two prelates whom I have named; that Mary was connected with it no otherwise than in the character of a benefactress; and that, as it never ceased to exist at Paris, so it never could have been removed either to Pont-a-Mousson or elsewhere. I may add that Mary, by her will dated in 1577, bequeathed a sum of money for the perpetual maintenance of the scholarships which she had been accustomed to support,—"Selon qu'il a eté fait par moi jusqu'à present" (Vespasian, C. xvi.

records of the house: — Mr. William Newman, an English clergyman, residing in the city of Lisbon, had

146). After her death, however, this, like the other provisions of her will, was disregarded. The establishment, thus deprived of her assistance, returned to its original state, as founded by the bishop of Moray; and it was not until aided by the bequest of Beaton, that it again recovered its prosperity (Mackenzie, iii. 466).

2°. The seminary at Pont-a-Mousson, instead of having been translated thither in 1581, was originally founded in that town by Dr. James Cheyne, a secular clergyman, in the early part of the year 1576. Of this fact there can be no doubt. When in 1594, from the insalubrity of the situation, the insecurity produced by the wars, and other circumstances, it became necessary to seek another locality for the institution, application was made to Clement the eighth, the reigning pontiff, for permission to remove: and a breve was issued in which the first establishment is expressly said to have been at Pont-a-Mousson,—"Quod Mussiponte in Lotharingiâ institutum fuit" (Breve of Clem. VIII. April 5, 1594, MS. in my possession). Two years later, Malvasia, formerly nuncio at Brussels, says the same thing, in an official report to the holy see,—"Il collegio de' Scozzesi, che già fù fondato in Lorena" (MS. in possession of Bishop Kyle): and, as regards the name of the founder, and the date of the foundation, the letters between Beaton and the queen of Scots speak in terms so explicit, that it is impossible to entertain a moment's doubt upon the subject. Writing to Mary, in 1576, and probably soliciting her aid, the archbishop tells her distinctly that "Dr. James Cheyne has just erected a seminary for the education of Scottish clergymen" (cited by bishop Gordon from the original formerly in the Scot's college at Paris). Mary's reply is dated on the first of June in the same year. It speaks of the new establishment; describes it expressly as "Cheyne's Seminary;" and then at once promises to contribute to its support,—"Je pourvoirai aussi au seminaire de Cheyne" (Orig. in cipher, in possession of bishop Kyle). When it is recollected that Mary is the person, to whom Mr. Oliver and the writers of the society attribute the foundation, this testimony must for ever decide the question.

3°. But Mary's promise of assistance was not speedily fulfilled. In 1580, Beaton again addressed her on the subject; and, in reply, was met with an enquiry as to the nature and objects of the seminary,—"J'attends votre reponse sur les particularités de l'institution du seminaire, afin d'y pourvoir, suivant votre avis" (Mary to Beaton, March 18, 1580, Orig. in cipher, in possession of bishop Kyle). The archbishop, of course, furnished her with the information which she desired. Yet, still, nothing was effected. The support which she had engaged to supply continued to be withheld; nor was it until the fourth of March, 1582, that she at length announced her determination to grant an annual pension of about fifty pounds to the establishment,—"Mon intention est de subvenir au seminaire Ecossois d'une pension ordinaire de douze cens francs par an; mais je veux, pour la premiere condition" (this appears to have been afterwards withdrawn) "qu'ils se joignent avec les Anglois, soit à Rheims, soit ailleurs" (Orig. ut sup.).—If an additional proof were wanting, to show that the Scottish queen was connected with the establishment only as a benefactress, we have it in these facts.

4°. To the grant of Mary, which was subsequently increased to four hundred gold crowns, was afterwards added a pension from Gregory the thirteenth. By Sixtus, however, the successor of Gregory, the latter was withdrawn: the death of Mary, in 1587, extinguished the former; and thus, when, in 1596, the seminary, after various migrations (per molte transmigrazioni), at length settled at Louvain, its resources were so reduced, as to render it incapable of supporting more than "seven or eight students." It was now that the energy

contracted a familiarity with Don Pedro de Coutinho, a Portuguese gentleman, who, being very rich, and chari-

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of Persons and the zeal of father Creitton were called forth. By the former in Rome and Madrid, by the latter in France, Flanders, and other places, the attention of the charitable was called to the necessities of the establishment. Malvasia addressed the pope on the subject: the archduke Albert came forward with a munificent donation: cardinal Cajetan, the protector, undertook to supply funds for the maintenance of twelve scholars; and, in a short time, the difficulties of the institution were at an end.—I should add, that, although the pope, who was about to erect a similar establishment, the Scots' college, in Rome, refused to contribute on this occasion, he nevertheless ordered the arrears of a pension, due to the late bishop of Ross, to be paid to the nephew of the deceased prelate, on condition that the amount should be shared with this seminary. There can be no doubt that, in this fact, we have the origin of the story retailed by Dodd, of money bequeathed by the bishop of Ross, for the foundation of a college in Flanders.—See Appendix, No. XLVIII.

III. The reader will scarcely have failed to notice the remark, with which Dodd concludes his account of this institution. During the greater part of the last century, the question to which it relates was the subject of frequent and angry debate between the jesuits and the secular clergy. The former claimed the college and its funds as the property of their body: the latter denied the right, and maintained their own title to the endowment. Both argued in defence of their claims; both appealed to Rome in behalf of their respective views: but arguments and appeals seldom succeed in convincing an interested party; and, in the present instance, we have no ground to believe that either was satisfied by the reasonings of its opponent. Unfortunately, at the present day, the question retains nothing of the substantial interest which once surrounded it. The funds have long since disappeared: the Scottish fathers have ceased to exist: the walls of the seminary alone remain of all that once was so eagerly contested!—Under these circumstances, if I pause for a moment, to place the matter in its real light, it is solely with a view to illustrate a point, which is not without its historical importance.

I have said that the jesuits claimed the college and its funds as the property of their body. They asserted, in fact, that "it was never intended by its first founders to be a seminary for secular priests"; that by Curle it was specially destined to form "a standing community of Scots' jesuits"; and that, as the whole endowment was "strictly their property", so they had frequently removed it by their own power, and might again transfer it at their own free will (Answers of father Pepper to bishop Hay, in 1772, orig. in the possession of Mr. Oliver). The clergy, on the other hand, denied the truth of all and each of these assertions. They maintained that the jesuits were the trustees, not the proprietors, of the foundation: they affirmed that, for the first fifty years after its establishment, the inmates or students of the seminary were exclusively seculars: they appealed to Curle's will as the undoubted evidence of their title; and they declared that, in appropriating the funds of the institution to the support of their own members, the fathers had violated a trust, which, as the administrators and superiors of the house, they should have been doubly anxious to protect. I have no doubt that the clergy were right.

1°. The reader has seen the determination adopted and announced by the Scottish queen, in March, 1582, to contribute an annual pension of twelve hundred francs towards the maintenance of the scholars. Two years before that period, she had inquired into the nature of the establishment: she had satisfied herself as to its object and constitution; and now, with full information of its details before her, she came forward to require, as the first condition of the proposed grant, that the house should be united with the secular college

tably disposed, was persuaded by Mr. Newman to lay

at Rheims. It matters not that the condition was subsequently waved. The fact, that a union between the two bodies in question was even contemplated, is sufficient to prove, beyond contradiction, that both must have been of the same secular character.

2º. In the correspondence of the fathers, a distinction is constantly visible between the members of the society and those of the seminary. Father Tyrie, writing to father Holt, in November, 1586, says,—"We haiff ressavit nathing fra Almane zit, nor zit fra na uthir pairt; nother haiff we moyen to pay ye dettis yat ar maid in Scotland, nor zit to send *yem of our companye* ther, nor *these of the seminarie;* and, by yat, yer is syndrie yat ar willing to enter in ye seminarie, giff yer were plaices for yem" (original in possession of bishop Kyle). In another paper, dated in 1593, the same writer speaks, if it be possible, even more plainly,—"Sacerdotes tandem aliquot societatis Jesu, *cum nonnullis Mussipontani seminarii alumnis*, anno octuagesimo quarto eò (in Scotiam) profecti sunt": and he concludes,—"In hodiernum diem cum maximo fructu pater Gordonius et tres alii patres societatis Jesu, *cum quibusdam seminarii pontificii alumnis*, ibi versantur" (MS. in possession of Bishop Kyle).—I may add that, in a paper, drawn up in 1596, and already referred to (Appendix No. XLVIII.), the nuncio Malvasia, at the very moment when he is pleading for such assistance as will enable this seminary to send additional missionaries into Scotland, takes occasion to suggest the propriety of withdrawing the jesuits from that country.

3º. On the first of February, 1587, father Tyrie wrote to Holt, saying that he proposed, during the spring, to send eight persons, or perhaps more, from the seminary, to the Scottish mission,—"cogitamus enim de octo vel pluribus mittendis, ante mensem Maium". On Easter Sunday, he again returned to the subject, and informed his correspondent that three of the eight had already been dispatched to Scotland, and that the others would speedily follow,—"ex seminario tres Mussiponto in Scotiam discesserunt, quos utiliter in eâ vineâ operam suam præstituros non dubito. Alii post aliquot menses hinc discedent" (Originals in the possession of Bishop Kyle). Now, it so happens that, at this period, there were not more than eleven Scottish jesuits in the world. Of these, two, John Durie and Edmund Hay, were already on the mission: Tyrie himself was in Paris: two were employed, one in Poland, the other at Toulouse: two at least were engaged in the government of the house at Pont-a-Mousson: William Johnston was teaching at Gratz; while two more are separately mentioned by Tyrie, as engaged in other places.—From these facts it is evident that the eight missioners preparing to leave the seminary, in 1587, were all seculars.

4º. I have already mentioned the breve, issued by Clement the eighth, in April, 1594, for the purpose of authorising the removal of the seminary from Pont-a-Mousson to Douay. In that instrument, the pontiff first recites the causes which have rendered it necessary to seek a new residence: he then grants the required permission for the transfer of the endowment; and he finally inserts a clause, by which he specially empowers the general of the society to appoint the superior, and to audit the accounts, of the house:—"Pro felice regimine et gubernio dicti collegii seu seminarii, ac personarum in eo pro tempore degentium, præposito generali societatis Jesu, nunc et pro tempore existenti, virum aliquem idoneum, ad ejus nutum amovibilem, ad dicti collegii regimen (qui ipsius collegii curam gerat, et apud quem impensarum ratio constet, quique præposito generali prædicto de administratis, ad ejusdem præpositi arbitrium et voluntatem, rationem reddere teneatur) deputandi licentiam et facultatem concedimus" (MS. in my possession). Now, if the funds, as asserted by father Pepper, had been transferable at pleasure, this breve would not have

out a sum of money towards the founding of a college

been issued: and if the college had been the property of the society, its general would have possessed these powers, without any license from the pope.

5°. Curle's will, which was drawn up in his own hand, was executed on the first of September, 1618, immediately before he entered the noviceship. Having enumerated certain bequests, the testator proceeds, first, to give "all the residue of his property to the Scots' seminary at Douay", and then, to specify the conditions and limitations under which that property is to be held. He requires that the money shall be placed at interest, and the interest employed in maintaining, after a specified rate of allowance, "as many seminarists as possible": he says that, if any surplus shall remain, not sufficient for the maintenance of one student, it is to go to a separate fund, and its interest to be applied, partly in supporting the persons necessary for the management of the house, and partly in furnishing viaticums to such of the seminarists, "*secular priests*", as shall be selected for the Scottish mission: he provides that the seminary shall continue to enjoy his present bequest, "so long as the *administration of its affairs* shall remain in the hands of the fathers"; but that, if these shall either relinquish or be deprived of the government of the house, the general shall otherwise dispose of the fund "for the support of Scottish seminarists, under the direction of the society:" he requests, as a favour from the general, that one Scottish jesuit shall always be permitted to reside in the seminary, of which, however, the constitution is to remain unaltered by the new foundation; and he concludes by ordaining that, whenever the catholic religion shall be restored in Scotland, the whole fund shall be withdrawn from Douay, that it shall be employed in establishing a house for the support of Scottish seminarists in the university of St. Andrew's, and that of this house the erection and subsequent administration shall be entrusted to the fathers of the society (See Appendix, No. XLIX.). —It is plain that, up to this period, the foundation was avowedly the property of the clergy.

6°. But it is said that Curle, by a subsequent instrument, revoked the testamentary dispositions of 1618, and conveyed the whole of his property to the uses of the society. This instrument, which is dated on the twenty-ninth of September, 1626, is in the form of an assignment, professing to be made in virtue of a special license from the Walloon provincial of the order, and drawn up and signed before a public notary. That there are some circumstances of suspicion attached to it, can hardly, I think, be denied. Yet, without stopping to question its authenticity, I may still observe, first, that it could never, under any circumstances, affect the nature or objects of the old foundation; and secondly, that, as regards both the present and ultimate destination of Curle's property, it does not differ materially from the will of 1618. Like that, it declares that the real object of the bequest is the foundation of a college in Scotland: like that, in the meantime, it assigns the interest of the money to the uses of the existing seminary: like that also, it expresses the attachment of the testator to the society, and provides that the establishment, to be entitled to the benefit of the fund, shall continue under the government of the fathers. In one only point, it is at variance with the earlier deed. *That*, under all circumstances, limits the application of the endowment to the support and education of secular clergymen: *this*, "in case the jesuits shall either voluntarily resign, or otherwise relinquish, the management of the institution", permits the general to use the produce of the fund for the maintenance of his own subjects in Scotland. Yet even in this but little will be gained for the arguments in defence of the society. The power of appropriation, thus supposed to have been granted, was, at best, but prospective and contingent. The present interest vested in the college: and, so long as the fathers continued to hold the government of the college, they were bound to employ the fund for those purposes, and for those purposes alone, for which the college was instituted.—(See Appendix, No. L.).

in Lisbon for the English clergy.[1] The proposal was willingly embraced; and Mr. Newman was immediately dispatched to the court of Madrid (Portugal at that time being in the king of Spain's hands), where he la-

August 1621

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7°. Nor are these opinions unsupported by evidence even from amongst the members of the society itself. It was about the year 1692, that a dispute arose between the jesuits employed on the mission, and those engaged in the government of the seminary. The former appear to have claimed the right of free quarters in the house: the latter resisted the claim, and appealed to ancient usage against it. At length, the matter was referred to father Thyrsus Gonzales, the general; when father James Forbes, the jesuit rector of the seminary, thus addressed him:—"It is certain by the books, and notoriously known, that our old men, our sick and unable missionaries, our *emeriti* and banished fathers, who out of necessity or obedience retire to Douay, that the mission did pay for their entertainment: and this practice I followed, while I had the oversight of the mission; yet, since my intromission with the affairs of Douay, in consideration of the mission's condition, in these distempered times in Scotland, I have exacted no such thing from the mission, nor intend I to do in like case; but to give willingly shelter gratis to our distressed fathers, who retire to Douay, till obedience dispose otherwise of them; providing always two things,—the one, that the college be not burdened with persons who are not necessary for the ruling of it, and who can be more serviceable elsewhere; for the rent of this college, as also being a seminary *ordained by the fundator and the benefactors for the maintenance of young secular students*, and of so many of the society as are necessary for their education and the government, *we cannot, ad libitum, maintain superfluous persons, even of our own fathers*, till the catholic faith and the college be settled in Scotland;—that being the fundator's express will:—the other thing which I suppose is, that the French court continue to give the little supply which was granted, some years ago, for the reparation of losses, the college had suffered in the time of wars" (MS. in the possession of Bishop Kyle).—Such is the testimony of one, who was not merely a member of the society, and the rector of the establishment, but, by his own superior, was described as "rerum nostrarum expertissimus" (Oliver, 6).—It is only necessary to add that, from Mr. Oliver's authorities, it would appear that Curle became rector of the house, not in 1620, as stated by Dodd, but on the thirteenth of March, 1633. Collect. 3.—*T.*]

[1] [The idea, however, of this institution originated, not with Newman, but with another clergyman, whose name, from one of Blackfan's letters, appears to have been Nicholas Ashton. At his death, this person bequeathed his house to Newman, or, in his default, to the jesuits, in trust for the foundation of a seminary. Newman sought to augment this property by the endowment of Coutinho, or, in other words, to unite the two. This he effected; and, by the establishment of the college, he legally and effectually barred all claim, on the part of the society, to the administration of the property under the will. It seems, however, to have been upon the contingent appointment contained in that instrument, that the fathers afterwards grounded their supposed title to the government of the house:—"Sacerdos Anglus, ante aliquot annos defunctus, ædes suas seminario instruendo delegaverat. Executionem alii sacerdoti adhuc superstiti, et, in ipsius defectu, patribus societatis, commendavit. Hic sacerdos, Gulielmus Newmanus dictus, cum fundatore nostro de hoc ipso seminario egit transegitque, dictasque ædes eidem applicare voluit. Tunc patres societatis prætendunt administrationem ad se devolutam," &c. Letter from the president of the college to the Propaganda, March 31, 1632, MS. in my possession.—*T.*]

boured very hard to obtain a license for a foundation. And, when he was upon the point of bringing matters to bear, orders came to him from the jesuits, superiors of the Spanish missioners, that he should forthwith return into England. Mr. Newman, suspecting there was a design to defeat his project (at least as far as concerned the interest of the clergy), demurred upon the orders he had received; alleging that, having been residentiary sixteen years at Lisbon, he was become so public and well known to all the English that daily frequented that port, that he could not, with safety, exercise the functions of a missioner in England. Besides, as being an officer belonging to the inquisition, that circumstance had rendered him particularly odious to his countrymen. He fenced a considerable time by these and such like arguments, against the order for his removal; and, before he left the king's court, was so successful as to accomplish what he went about.[1] As soon as he returned to Lisbon, he acquainted Don Pedro with what he had done, not omitting to mention the opposition he had met with, from that quarter where he least suspected

[1] [One motive of the jesuits in this proceeding was avowed by Blackfan, the superior, in his second letter to Newman. That clergyman, he said, had forgotten his duty to the society. By the fathers he had been treated with all "kindness and confidence": from them he had received his appointment at Lisbon; and from them also, "had it lain in their power", he might have received "a kingdom". But, "if all were true that had been written", he had ungratefully abused these favours. Instead of obtaining the new foundation for his benefactors, he had "endeavoured to turn it off to secular priests or dominican friars"; he had actually "given up papers to the council, full of false calumniations against the government" of the jesuits; and had thus rendered himself "incapable" of the situation which he occupied, and "unworthy" of the patronage which they had extended to him. Of these charges neither one nor the other had any foundation in truth. His real offence was, that he was aiding in the establishment of a college, from the government of which the fathers were to be excluded; and for this it was that, "moved, not out of passion, but out of the fear of God", Blackfan proceeded forthwith to deprive him of his chaplaincy at Lisbon. In the following year, however (June, 1622), a letter from the Propaganda ordered the nuncio to see that he was protected and indemnified; and eight years later, after a tedious and vexatious course of litigation, he was finally restored.—"Tunc patres societatis * * * ipsum ex capellâ, quam in ipsorum ecclesiâ habebat, ejiciunt; per plures annos longis litibus vexant; octavo tandem anno, possessio eidem restituta est, patribus societatis etiam ad expensas condemnatis." The President of the college to the cardinals of the Propaganda, MS. in my possession. See Appendix, No. LI.—*T.*]

it. These difficulties being got over, Mr. Newman writes to Mr. John Bennet, agent for the clergy at Rome, to procure from his holiness a confirmation of this new establishment; and, accordingly, a brief was granted for that purpose, bearing date September 22, 1622. There was afterwards something in agitation, concerning the government of the college; and it was surmised by many, that, as several other English colleges of the clergy, viz., at Seville, Valladolid, and Rome, were under the direction of the jesuits, so the same method would be observed in this new college at Lisbon. But Don Pedro, being hugely disgusted at the treatment his friend Mr. Newman met with at Madrid, was resolved he would be entirely master of his own benefaction. So he ordered Mr. Newman to write a letter, in his name, to the archpriest and chief of the clergy in England, that they would take care to send over one of their body, whom they should judge proper, to be the president of his college; and, at the same time, to signify to them, that they were to be perpetual superiors of the house, under the inspection of the inquisitor general.[1] Having proceeded thus far, the founder

[1] [The truth is, that what Dodd here speaks of, as only "surmised by many," was actually and not very scrupulously attempted. It was after they had failed in their first application for the superintendence of the establishment, that the fathers, through Blackfan, summoned Newman from Madrid, and by that means sought to arrest the progress of the work. Foiled in this attempt, they still continued to obstruct the design of the founder by every possible means. At Lisbon, father Forcer hesitated not to defy Coutinho himself, and to tell him that they would obtain the government of the college in spite of his resistance: at Rome, the leading members of the society even ventured to counteract the declared intentions of the pontiff, and, by means of their influence with the cardinals of the congregation, actually succeeded, in the first instance (June 20, 1622), in obtaining a decree in their own favour. This, indeed, through the spirited conduct of Bennet, the agent of the clergy, was subsequently annulled: another decree, vesting the management of the institution in the parties named by the founder, was passed (July 8); and, after much trouble, and a special appeal to the pope himself, the breve of confirmation, in the form demanded by Coutinho, was at length drawn up and issued (see Appendix, No. LII.). Still, the efforts of the party relaxed nothing of their perseverance. Though the pontiff himself had confirmed the government of the house to the clergy, and though the general of the society had actually written, by command of the Propaganda, to prohibit all further attempts on the establishment, yet, in less than two months, the founder, who had previously appealed to cardinal Farnese on the subject, was again compelled to apply to Rome for protection from the machinations of the fathers. Another decree

immediately laid out the sum of five thousand golden crowns, in the purchase of a house, garden, and other

(Dec. 6, 1622) was now obtained, and another letter (Dec. 10) was addressed by the congregation itself to the nuncio in Spain, calling his attention to the proceedings of the jesuits, and ordering him, on the one hand to aid the founder in the prosecution of his work, on the other to prevent the fathers from usurping the government of the house (see Appendix, No. LIII.). For some time, these measures seemed to produce their intended effect. The foundations of the college were laid: the work was finally completed; and, as the reader will see in the text, a colony from Douay, under the direction of a secular clergyman, at length took possession of the establishment. But this was the signal only for a renewal of the contest. By the breve of confirmation, as well as by the desire of Coutinho, the house had been placed under the protection of the grand inquisitor of Portugal. To this functionary (it was Don Francisco de Castro) the jesuits now addressed themselves, and, by their representations, at length (1631) succeeded in inducing him to refuse the charge. For a moment, the founder, disgusted at this unceasing opposition, was about to abandon the prosecution of the work. Up to this time, in fact, no steps had been taken, to secure either the costs of the fabric, or the endowment of the institution. Though a large sum of money had been expended in the purchase of land, and in the erection or alteration of the buildings requisite for the college, yet Coutinho himself, mistrustful of its destination, had carefully abstained from advancing any portion of what he had promised. Hence, whatever outlay or responsibilities had been incurred, rested immediately with the clergy themselves: and hence, Coutinho, free from every personal liability, hesitated not to declare that, if thus thwarted in his views, he would at once withdraw from the present undertaking, and apply to some other purpose the funds which he had destined for the seminary. It was to prevent this that the clergy, now headed by the bishop of Chalcedon, resolved to unite in one common effort, and procure, if possible, an immediate settlement of the question. Again the matter was carried to Rome; again the congregation, through the cardinal Borgia, wrote to the nuncio (Jan. 2, 1632), informing him of what had occurred, and desiring him, in their name, to recommend the seminary to the protection of the inquisitor. At the same time, a letter, addressed to that officer himself by the king of Spain, still further urged him to save the establishment, by accepting the appointment named in the breve; till at length De Castro, overcome by the entreaties and remonstrances with which he was assailed, consented to withdraw his previous refusal, and undertake the duties of protector. A few weeks later (March 31, 1632), Coutinho completed the foundation, by paying over the sums mentioned in the text.—"Prædictus autem illustrissimus inquisitor aliquorum persuasionibus alienatus est à suscipiendâ protectione dicti collegii, eamque jam sæpiùs negavit, sine quâ tamen dictus nobilis vir (D. Petro de Coutinho) penitùs recusat cœptum opus ulteriùs prosequi; et, nisi præfatus illustrissimus inquisitor velit dicti collegii protectionem in se suscipere, statuit pecunias, in istud pium opus destinatas, ad alium usum divertere" (the Agent of the bishop and clergy to the sacred congregation, Nov. 1631, MS. in my possession).—"Inveni fundatorem quodammodo incertum operis, et bonitate prioris præsidis ad oppignorandum clerum ita usum, ut, ipse omni nexu liber *(sic)*, clerus, quinque scutorum millibus in alieno solo erogatis, ad continuationem cœpti teneretur. Est fundator cæterùm vir prudentissimus, et minima quæque dubia in expedito videre vult, antequàm ipsemet quicquam aggrediatur. * * * Præfectus sancti officii tutelam collegii recusat; et ego, jussu fundatoris, Madritum abeo, commendatitias catholici regis literas petiturus, quas post semestre spatium, Deo assistente, procuravi, et rediens patrocinium inquisitoris [impetravi], et mox principia collegii, pridie calendas Aprilis, eodem cœpta

conveniences; with an annual pension of five hundred golden crowns towards the maintenance of masters and scholars. Two or three years were spent in modelling the building, and providing other necessaries;[1] and then Dr. Kellison, president of the English college at Douay, was sent to, to furnish this new colony with professors and students. Accordingly, August 25, 1628, the following persons departed from thence towards Lisbon, viz., Joseph Haynes, *alias* Harvey, chosen to be the first president, Henry Maylard, D.D., Mark Harrington, *alias* Drury, B.D., Edward Pickford, *alias*

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perficiente, stabilivi. Dedit ergo fundator, dictâ die, annuos redditus," &c. The president of the college to the cardinals of the congregation, March 31, 1632, MS. in my possession. See Appendix, No. LIV.—*T.*]

[1] [The following is Newman's account of the progress of the work, and of the situation of the college. "Let it please you to understand," says he, writing to Edward Bennet, "that the five thousand crowns, which our founder promised to give in money, is almost all of it laid out, partly in houses and gardens, and partly upon royalties for the principal situation: and so he stands so far engaged, that there are now workmen actually at work, to make these houses fit to receive a president to govern, two masters to read, a procurator to negotiate, and eight students; and to make also a little church for the present, with three altars and a sacristia, and to accommodate as we can all other rooms and houses of office, necessary for a community of some twelve persons besides the servants, which is the number our founder will have now at first, to begin withal, and will allow for their maintenance five hundred crowns rent a year, duly to be paid from the first day that they arrive here, by order from our honourable master. * * * * * *

"This situation is seated upon the top of a hill, by which it hath a most excellent prospect both to the water and land; seeing all up the river, still furnished with store of ships, and quite out unto the very main sea. It overlooketh all the whole city, and all round about the fields beyond, so far as the force of the eye can extend the sight to see. It hath four streets, whereof three of them are very fine ones, that open all upon a good broad place, where the door of the new church and fore front of the building is intended to be. The one side of it lies hard by the fields, and open to the north; whereby it enjoys a perpetual, fresh, and most healthful air: the other three parts are all peopled, and hath large streets, and very fair houses round about, and no church nearer than that of the *casa professa* of the jesuits; betwixt which and us there are some four or five streets, that cross the way, and may be about some two hundred and odd paces in distance; which for us, in such a populous town, is abundantly sufficient,—but they, I am sure, are most heartily sorry that we are so near. There are two great wells, with store of water, in what we have already bought; and there are other three in what remains to buy; and this, in this city, is most of all admired, and not a little esteemed, because water here is generally wanting in all, and therefore much more in the higher, places of this town. In a word, thanks be to the goodness of Almighty God, it is so good in all respects, that our friends are contented exceedingly, our adversaries do envy it extremely, and all that see it do wonderfully commend it." Original in my possession.—*T.*]

Daniel, professor of humanity, Francis Paver, *alias* Oglethorpe, besides other students in divinity and philosophy; viz., Nicholas Fortescue, William and Humphrey Waring, *alias* Ellis, Richard Charnock, *alias* Cooper, Anthony Sanders, *alias* Hult, Peter Medcalf, *alias* Banks, William Day, *alias* Min, Edward Biddlecorn, *alias* Martin, with several others who followed after, accordingly as there was occasion for them, or as they could be conveniently spared from Douay college.[1] This college at Lisbon has since distinguished itself, by turning out several eminent men, known to the world by their learned performances, viz., Dr. Daniel, Dr. Godden, Mr. Sergeant, Mr. Barlow, Mr. Goodin, Mr. Gother, &c., whose works are a proof of the solid method they followed in that college.

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[The foregoing establishments were intended exclusively as seminaries of education: there was another, whose object was of a higher order, and whose foundation deserves to be recorded among the transactions of this period. It was known as the college of Arras, in the university of Paris, and was intended, partly as an institution, where the clergy, who had completed their course of studies in the colleges, might improve and perfect their acquirements, and partly as a residence, where a certain number of writers might be maintained, for the defence of religion against the attacks of her adversaries. Its idea was borrowed, in the first instance, from a protestant foundation of a similar nature in England. In 1609, Matthew Sutcliffe, dean of Exeter, had suggested to king James the propriety of establishing a college of divines, whose exclusive attention should be devoted to the maintenance of the reformed faith, and to the public vindication of its doctrines

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[1] [Douay Diary, i. 294. Haynes, who had been sent to Lisbon in 1626, on business connected with the rising establishment, had afterwards visited England, and was there appointed president by the bishop of Chalcedon. From England he returned to Douay; and thence, with the other persons mentioned in the text, again set out for Lisbon, where the party arrived on the fourteenth of November, 1628. Account of two hundred and fifty-eight Superiors and Students of Lisbon College, from 1628 to 1719, MS. in my possession.—*T.*]

against the writings of its assailants. James entered warmly into the design. To a grant of land at Chelsea, together with timber from Windsor forest for the erection of the proposed building, he instantly added a donation of two thousand pounds, to be expended in carrying on the work. At the same time, he issued a patent of incorporation for a provost and seventeen fellows, besides two historians; authorised them to acquire lands in mortmain, to the annual value of three thousand pounds; and, in addition to other privileges and immunities which he bestowed upon them, procured for their benefit the further grant of a valuable monopoly from parliament.[1] Nor were the clergy backward in imitating the example of the sovereign. The archbishop of Canterbury presented a costly library to the establishment: the deans and other dignitaries of the church poured in their contributions; while a rich endowment in money and lands, from Sutcliffe himself, at once secured to him the appointment of first provost, and taught the world to look forward to the permanence of the institution.[2]

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[1] [Fuller, lib. x. 51. The statute 7 Jac. I. cap. 9, was passed, to enable the provost and fellows of Chelsea college to erect water-works, and to convey water from the river Lee, "in close pipes underground unto the city of London and the suburbs thereof, for the perpetual maintenance and sustentation of the said provost and fellows, and their successors, by the rent to be made of the said waters conveyed as aforesaid." The preamble to this act thus recites the object of the foundation:—"Whereas his majesty, of his most royal and zealous care for the defence of true religion, now established within this realm of England, and for the refuting of errors and heresies repugnant unto the same, hath been graciously pleased, by his letters patents under the great seal of England, to found a college at Chelsea, near London, and therein to place certain learned divines, and to incorporate the same by the name of 'the Provost and Fellows of the College of King James in Chelsea'," &c.—*T.*]

[2] [See Appendix, No. LV.—It seems, however, to have languished only till the death of its fourth provost, Dr. Samuel Wilkinson, in 1668. Fuller's account of its decline, written during the provostship of Wilkinson, is characteristic of the author:—"At this present," says he, "it hath little of the *case*, and nothing of the *jewel*, for which it was intended. Almost rotten before ripe, and ruinous before it was finished, it stands bleak, like a lodge in a garden of cucumbers; having plenty of pleasant *water* (the Thames) near it, and store of wholesome *air* about it, but very little of the necessary element of *earth* belonging unto it. Yea, since, I am informed that, seeing the college taketh not effect according to the desire and intent of the first founders, it hath been decreed in chancery, by the joint consent of Dr. Daniel Featly, the third provost of this college, and Dr. John Prideaux, the surviving feoffee intrusted in Dr.

It was to be expected that a foundation of this description would rouse the catholics, and especially the clergy, to renewed exertions in behalf of their religion, and that the plan of operations, suggested by the new college, would speedily be adopted by those, against whom it was originally directed.[1] Accordingly, the erection of "a house for writers" became the subject of earnest discussion among the leading members of the clergy. By the earl of Angus, and others of the laity, the scheme was loudly applauded: a gentleman named Sackville offered to support the undertaking with his purse; and Dr. Smith, who chanced, at the moment, to be employed at Rome as the agent of the archpriest, received orders to lay the matter before the pope, and request his approbation of the design. Paul replied by commending the project, and promising to supply funds for the printing of such works as might emanate from the college.[2] Still, a difficulty occurred in procuring a situation for the establishment. In the first instance, it was proposed to place it at Douay: but the opposition raised by the jesuits rendered it imprudent to per-

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Sutcliffe's will, that the foresaid farms of Kingston, Hazard, and Appleton, should return again to the possession of Mr. Halse, as the heir general to the said Dr. Sutcliffe:—on what condition let others enquire. It is enough to persuade me it was done in equity, because done by the lord Coventry, in the high court of Chancery: so that now, only the farm of Kramerland, in Devonshire, of Sutcliffe's donation, remains to this college. All I will add is this,—as this college was intended for controversies, so now there is a controversy about the college; costly suits being lately commenced betwixt William Lord Monson (who married the widow of the aforesaid earl of Nottingham) and the present provost thereof, about the title of the very ground whereon it is situated." (Ch. Hist. lib. x. 55).

Anthony Wood tells us that, on Thursday, February 16, 1682, "the king, in his own person, laid the first stone for an hospital for maimed soldiers, at Chelsea, *where the college founded by Dr. Matthew Sutcliffe was sometime standing.*" Diary, apud Bliss, i. xciv.—*T.*]

[1] ["Here is much talk, and great pretence made, of a new college to be set up at Chelsea, near London, for the maintenance of learned men to write against the catholics. It is thought that there is already collected above three thousand pounds for that purpose. How necessary, then, will it be for us, to imitate our enemies, in the same kind, at Douay or somewhere else, if it be possible." Birkhead to Smith, Aug. 20, 1609. Original in my possession.—*T*].

[2] ["Responsum erat per illustrissimum Blanchettum, suam sanctitatem paratissimam esse quodvis subsidium scriptoribus catholicis contra hæreticos conferre; ideoque, si quispiam se ad scribendum applicaret, velle sanctitatem suam sumptus suppetere necessarios ad librorum hujusmodi impressionem." Reply to Smith's Memorial, MS. in my possession.—*T.*]

sist in that part of the scheme[1]; and it became necessary therefore to seek a settlement in some other and more distant locality. At length (August, 1611), after some delay, and through the agency of father White, the prior of the benedictines at Douay, a small house, belonging to the abbot of St. Vedast, and situate near the Porte St. Victoire, in Paris, was hired. Here, a few apartments were hastily fitted up; the conveniences necessary for the establishment were added; and, on the twenty-sixth of October, 1611, Dr. Smith, who had returned from Rome, and who had been mainly instrumental in completing the previous arrangements, formally took possession of the new residence. He was immediately joined by the doctors Bishop, Champney, and Kellison, with Richard Ireland, and another clergyman, probably his own cousin, William Smith; and, for several years, the college of Arras continued to be distinguished by the fame of its inmates, and by the learning which characterised their productions.[2]—*T.*]

[1] ["Some there be that seek by all means to divide us; as, for example,—one Mr. Cuthbert Crawforth, a countryman and old acquaintance of mine, and an operarius of twenty-nine years in this poor vineyard, together with others, wrote me a letter, wherein he gave me full license to use their names in any suit which I should think convenient. This he imparted to a father of the society, who presently advised him to revoke, on his part, that letter, and by letter to signify so much to our superiors there (*at Rome*). And so he did, being persuaded that we sought the overthrow of Douay College, by putting out the scholars, and establishing writers there. With such false lies are my fellows abused and seduced from me." The archpriest to his agent More, Jan. 7, 1611, original in my possession.—*T.*]

[2] ["Mr. T. S. (Thomas Sackville) is returned into England, upon his own necessary affairs. I pray God protect him, and send him well back again; to which purpose, you would do well to pray to God; for upon him dependeth much our hope, not only in this project we have in hand here, but of other expectations; for assure yourself he is the fittest man I know, to take away all let, and set forward all good designs. He hath left us means to furnish a couple of chambers, beside the principal; so that we have already hired rooms for Mr. Dr. S. (Smith) and his cousin, and have partly furnished them already. This nuncius doth promise us all assistance and favour, who would be more forward therein, if he were by his holiness commanded so to do. We have thought of writing a letter unto his holiness, entreating him to commend this affair to his nuncio here, and by him to some others, but especially to the bishop of Paris, who may pleasure us greatly, if he will: and I think he would, if he be moved from thence" (Champney to More, Oct. 25, 1611, original in my possession).—"To-morrow, we go together to Cambray College (*Arras* College), where we have taken some chambers, for to begin our work, till God afford us better means. Our founder hath left us as good as eighty pounds,

I must not forget to mention, in this place, the economy that was established among the clergy, upon Dr. Bishop's being appointed to supervise the mission, when the archpriest's power was laid aside. Dr. Bishop was consecrated at Paris, June 4, 1623, with the title of bishop of Chalcedon, and invested with ordinary power to govern the catholic church in England.[1] Now, before he set out for England, he was advised, by the

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for to furnish our house withal, besides one hundred and fifty pounds in England yearly, for maintenance of our company. But this to yourself,—only to let you know our foundation, and to incite you the more to commend him to God. Would to God his holiness would make choice of him to be a cardinal, who is most unpartial, and best understandeth our differences, and whom both this nuncio and that of Flanders doth greatly esteem. Dr. Bishop, we hope, will be with us ere it be long: and Dr. Kellison hath been here, and given us good satisfaction, promising us to come, whensoever we shall find his presence necessary, and otherwise to account himself of our company, and to come to us three or four times a-year. Here is also Mr. Ireland, a very honest man, an university man, well seen in the tongues, and master of Westminster school, who, having sufficient maintenance of his own, yet intendeth to bear us company: so that we are in good hope to go forward; and, seeing our ways, I will print my answer to Perkins in Latin." (Perkins's work was the 'Problema de ementito catholicismo Romanæ ecclesiæ'), "thereby to give taste what we design to do, if we be holpen. The nuncio and his auditor do promise all assistance, and fear not the English ambassador, whom neither would our vice-protector fear, if he favoured the business; for, as the auditor said well, 'shall the king of France forbid our king's subjects to write against his religion, who forbiddeth not his own subjects to write against his own religion?' The jesuits in Louvain have begun the like, and thereto called John Floyd, Lawrence Worthington, Michael Walpole, and Michael Freeman,—that there is like to be *honesta æmulatio*." Smith to More, October 25, 1611, original in my possession. For the rules of the foundation, see Appendix, No. LVI.—*T.*]

[1] [The remonstrances and negotiations, which led to this appointment, will form the subject of the Additional Article II. at the commencement of the next volume. In the mean time, I may remark that Dr. Bishop, though "invested with *ordinary power*," was not an *ordinary* in England; that his authority, in fact, was revocable at the will of his superior; and that the title of "ordinary," therefore, by which some of the cardinals and most of the superiors of the religious in England addressed him, must be regarded rather as a term of courtesy, than as an evidence of his independent jurisdiction. It was on the fifteenth of March, 1623, that the bull for his consecration, as bishop of Chalcedon, was issued. Eight days later, a second instrument, in the form of a breve, was drawn up and signed. It alluded to the spiritual destitution of the English church, expressed the anxiety of the pontiff to relieve its necessities by the appointment of a bishop, and, having glanced at the talents and virtues of the elect, concluded by deputing him "*ad nostrum et sedis apostolicæ beneplacitum*," to exercise the usual powers of an ordinary within the realm of England.—It is clear from this, not only that the essential character of an ordinary was wanting in Dr. Bishop, but also that, as a delegate, he was incompetent to perform any act, which, of its own nature, required to be executed by the principal. See Appendix, No. LVII.—*T.*]

bishop of Arras, and several eminent doctors of the canon law, to establish a dean and chapter, the instru-
Sep. 10. ment whereof bears date September 10, 1623.[1]
1623 The persons he made choice of were, John Colleton, dean; the canons were, Richard Smith, D.D., Thomas Worthington, D.D., John Bosville, D.D., Thomas Wright, D.D., Arthur Pitts, D.D., John Mitchel, Richard Broughton, Edward Bennet, Thomas More, John Jackson, Oliver Allman, Cuthbert Trollop, Roger Strickland, Joseph Haynes, Richard Button, Humphrey Hanmer, George Fisher, and Humphrey Hughes.[2] These were to be the bishop's standing council. Again, for the government of distant provinces, he appointed five
Aug. vicars general, and twenty archdeacons, with a
1623 certain number of rural deans. This economy was afterwards the occasion of many warm debates.

[1] [Of this interesting document the original, which was formerly preserved in Douay college, is now, I believe, at Rome. In it, the prelate, having mentioned his efforts to restore the discipline of the English church, proceeds to declare his anxiety for the completion of the work, in the organization of the hierarchical body. By the establishment of vicars-general, archdeacons, and rural deans, he had already, he says, provided for the government of the distant provinces. One thing, however, still remained to be accomplished,—the formation of a cathedral chapter; and to this, as the necessary appendage to ordinary ecclesiastical jurisdiction, he was now about to direct his attention. It was true, the undertaking was not without its difficulties. Looking to the world, he found himself without any of those external accessories, which time and custom appeared to have rendered almost essential to his object. There was no material church wherein to fix his see; there were no revenues for the support of the canons whom he was about to create: but there was a body of the faithful to be governed; there were the duties of religion to be discharged; and he deemed it right, therefore, to enquire whether, according to the example of the earliest ages of christianity, the temporal appendages might not be dispensed with, while the spiritual advantages were secured. It was with this feeling that he had already sought the advice of the most eminent canonists both at home and on the continent. By them he had been confirmed in the design which he had conceived: and, trusting therefore that the supreme pastor would supply whatever might be defective in the institution, he would now proceed to establish a body, as necessary to the interests of religion, as it was essential to the preservation of ordinary episcopal jurisdiction. He then names the nineteen persons who are to compose the chapter; nominates Colleton to act as dean; and concludes by investing the body with all the dignity, power, and privileges, which, of common right and by ordinary ecclesiastical usage, belong to such corporations. See Appendix, No. LVIII.—*T.*]

[2] [In the former edition of this work, Dodd has inserted the name of Anthony Champney among those of the canons; thus making the whole number amount to twenty. His own copy of the foundation deed, however, proves that he is wrong; and I have therefore omitted the name.—*T.*]

The pope thought the bishop took too much liberty in executing his power; and the religious orders disputed his jurisdiction over them, upon account of certain privileges and exemptions they had obtained from the see of Rome. However, the clergy made a strong defence; and a great many books were published by the contending parties. The dean and chapter still preserved their economy; though, at this day, it is under certain restrictions, upon account of some new regulations regarding ecclesiastical jurisdiction in England.

## ARTICLE VI.

CHARACTER OF JAMES.—HIS PERSONAL QUALITIES—HIS LEARNING—HIS RELIGIOUS OPINIONS—MOTIVES OF ATTACHMENT TO THE CHURCH OF ROME—HE PERSECUTES THE CATHOLICS—LEWKNOR'S LETTER—NEGOTIATION OF THE ARCHBISHOP OF EMBRUN—JAMES'S CORRESPONDENCE WITH ROME—HIS TREATIES WITH FRANCE AND SPAIN—HIS CONDUCT TOWARDS THE PALATINE—REMARKS ON ARBITRARY POWER.

THE generality of writers lie under so many prejudices, when they attempt to give characters of princes, that it is a difficult matter to meet with a man of temper, when he undertakes that task. And, in regard of king James I., some have taken so unbecoming a freedom, as to represent him to have been one of the most insignificant princes, that ever sat upon the British throne. This is observable from the scurrilous account, Sir Anthony Weldon[1] and other disgusted courtiers give of him, even while he was alive: and, since that, bishop Burnet and others have spoken of him with all the disadvantages imaginable, though in a more mannerly style. And, even in our days, both he and his whole race have been treated with that indignity, that it is plain, nothing but passion and prejudice could prompt them to such a behaviour. This occasioned Mr. Echard to say, "that his failings have been unreasonably represented, and unmeasurably aggravated, by the tongues and pens of ignorant, as well as malicious men".[2]

Besides his personal imperfections, they charge him with many false steps, in regard of both politics and religion. Particularly, they tell us that, though he had a capacity to govern, yet he was indolent and unactive, whereby, in practice, his knowledge appeared to be rather economical than politic; that his learning was pedantic, and had nothing of the sublime; that his wit was low, and calculated for vulgar capacities; that he

[1] [In his "Court and Character of King James." 12mo. 1650.—*T.*]
[2] Echard, ii. 5.

was rather subtle than wise; that he was lavish and undistinguishing in his generosity; that he chose favourites by their faces and shapes, not by capacity and merit; that his glorious title of *peaceful* was indolence and natural timidity; that he was tame, below the dignity of majesty, when he happened to have a contest with one that was a favourite; that he seemed to value himself for dissimulation, which he could carry even as far as the altar; that, indeed, he gave not himself the liberty, many princes did, in entertaining mistresses, and the like, but would drink and swear, though not to excess.[1] In regard of religion, they make him irreconcilable to himself; [saying] that he appeared to be a

[1] [Of James's impetuous temper, and of his propensity to swearing, we have the following anecdotes, in a letter written by a gentleman named Lewknor, in 1613. "The king," says he, "being at this time at Newmarket, there came an ambassador from the duke of Neuburg, in whose letter was a demand from the king, whether that he combined himself with the other protestant princes? If he did, then those did signify unto him, the catholic princes would also combine themselves to root out heresy:—the which letters the viscount Rochester opening and reading unto the king, and demanding an answer, the king said there needed no answer: but being much troubled, and going to supper, he complained grievously that nobody respected him, neither was any so served as he; and, taking the meat, he flung it from the table, and the dish after; then sent for the cook, and swore he would hang him; who standing in great fear, a falconer came up with a hawk, and told him a fair tale. He saved the cook's life, and put the king into his wits again, who, after supper, sent for the ambassador of the duke of Neuburg, and told him he should have his answer at London; who had some English geldings given him, and so departed.

"I cannot omit an especial act of the king's patience. He being at cards this Christmas, and the game Lodam, and he playing ten shillings a set, the king lost three sets; which moved him so much, that, rising from his seat, and sitting down in his chair, he blaspheming said,—'Am not I as good a king as king David? as holy a king as king David? as just a king as king David?—and why should I, then, be crossed?'—The palsgrave being present, and seeing the king in such a rage, asked the duke of Lennox what the king said: and, when the duke had told him, he said,—'Surely the king is a very good king: but I do not remember that ever I read that king David did swear so much for the loss of so little money'" (Orig. Stonyhurst MSS. Ang. A. iii. 119).

It must, however, be acknowledged that, if James was easily irritated, he was not less easily appeased; and that, in cases where his passion had hurried him into the commission of acts of injury or violence, he could even humble himself so far, as to sue for forgiveness. On one occasion, he had called for some papers which, he thought, he had entrusted to Gibb, a gentleman of the bedchamber. Gibb, on his knees, protested that he had never seen them; and James, bursting with rage, cursed and kicked him for the denial. Gibb immediately left the court: but soon it was discovered that the papers had been committed to the care of Endymion Porter; and the king, instantly sending to recall Gibb, fell on his knees as the latter entered the room, and refused to rise until he had been assured of his forgiveness.—Wilson, in Kennet, ii. 760.—*T.*]

calvinist in all points, excepting episcopacy, which he had particular views in supporting,—the disposal of their dignities and revenues being a branch of the royal prerogative; that he was not so much an enemy to popery, as the interest of the church of England required; that the treaties he entered into, with Spain and France, gave grounds to suspect that he had no aversion to the faith of the church of Rome; that he neglected the cause of the reformed churches, in not supporting his son-in-law, the Elector Palatine, chosen king of Bohemia; that, in fine, by the manner he treated his parliament, he was hugely suspected of attempting arbitrary power. These, and many other allegations of the like nature, are mentioned by those, who pretend to have dived into the secret of his reign.

What reflections occur to me, upon the premises, are, that, as the greatest qualifications and the most cautious behaviour are liable to misrepresentation, when persons are resolved to give things an invidious turn, so such, as are inclined to be friends to mankind, may easily disperse the mist that is raised, and find a way to expound matters in a more favourable sense. It is not, however, my design to undertake an apology for king James, as to the particulars he is charged with; many whereof are visibly nothing else but malicious insinuations, to depreciate his character, upon views best known to his enemies, and which the discerning part of mankind may easily guess at. I shall only mention a few circumstances, which, perhaps, may contribute towards setting things in a better light.

As to his unactive temper, it seems to be the natural effect of a happy reign, undisturbed with wars. But methinks it is a very odd topic of dispraise, to expose a person for his peaceful disposition, and because he will not quarrel with his neighbours. I am not ignorant of the ground of this notable accusation; and that a great many were displeased with him for making
Aug. 5, peace with Spain. But they ought to consider,
1604 that it was neither for the interest, nor for the credit, of England, to continue a war, which never had

been beneficial to the nation in general. The only good reaped from it was, to enrich some private persons, by plundering and depredations, made upon some Spanish ships and seaport towns. Queen Elizabeth herself had, a long time before she died, been sick of this war; and the debts she left behind her were a certain token, that she had spun out her resentment, as long as she could. And if king James was obliged to discharge the debts, that lay upon the crown, upon account of that unprofitable war, he had little encouragement to continue it.

As to his learning, which they are pleased to call pedantic, it is a censure entirely proceeding from ignorance or something worse. The works, he published, are sufficient to wipe off this trifling aspersion; especially with all capable judges.[1]

What king James's real opinion was, as to the different sects that divided the reformers, is not easily determined. He was christened in the catholic church: he was educated in calvinism; and continued under that discipline, while he remained in Scotland. At his advancement to the British throne, he conformed to the church by law established; yet never so far, as to forsake his calvinistical education in doctrinal matters.[2]

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[1] [This, however, is far from being the received opinion. "Of his intellectual acquirements," says Dr. Lingard, "he has left numerous specimens in his works: but his literary pride and self-sufficiency, his habit of interrogating others that he might discover the extent of their reading, and the ostentatious display which he continually made of his own learning, though they won the flattery of his attendants and courtiers, provoked the contempt and derision of real scholars" (ix. 234). Even Hume, who would not willingly adopt an unfavourable opinion of a Stuart, is compelled to admit that James's "generosity bordered on profusion, *his learning on pedantry*, his pacific disposition on pusillanimity, his wisdom on cunning, his friendship on light fancy and boyish fondness. * * * Upon the whole," adds the historian, "it may be pronounced of his character, that all his qualities were sullied with weakness, and embellished by humanity." cap. xlix.—*T.*]

[2] [This is not correct. For many years, his belief seems to have been imbued with the principles of his education: but, by degrees, a change was effected in his opinions: the doctrines of Laud and Montague assumed the place of his earlier notions; and we find him, at last, upon his deathbed, not only conforming to the rites of the established church, but also declaring his belief in the power of the ordained minister to remit the sins of the penitent. "Some four days before his end, he desired to receive the blessed sacrament, *Viaticum Æternitatis*, as it is termed in the ancient councils. * * * Being told that men in holy orders in the church of England do challenge a power, as

The world is divided, as to his affections for the church of Rome. Some think he was too favourable to that party: others imagine he had a design to allow them a toleration. A third sort there is, who would make us believe, that he was inclinable himself to embrace their faith, and was actually laying a scheme, to bring over the whole kingdom to the ancient belief of their ancestors. It must be owned, he was no friend to persecution; and it was his opinion that the laws against popish recusants were too severe, and executed with too much rigour in the late reign. Thus far he might be looked upon, as favourable to that party. Besides, there were other considerations, which might induce him to moderation in their regard. The great civilities he had experienced from foreign princes of that communion, while he was under oppression in Scotland; the relief he obtained through the intercession of several catholic missioners;[1] the entire affection he had for his mother's

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inherent in their function, not in their person, to pronounce and declare remission of sins, to such as, being penitent, do call for the same, and that they have a form of absolution for that very purpose, set down in the book of common prayers, he answered suddenly,—'I have ever believed there was that power in you, that be in orders in the church of England; and that, amongst others, was unto me an evident demonstration that the church of England is, without all question, the church of Christ: and therefore I, a miserable sinner, do humbly desire Almighty God to absolve me of my sins, and you, that are his servant in that high place, to afford me this heavenly comfort.' And, after the absolution read and pronounced, he received the sacrament with that zeal and devotion, as if he had not been a frail man, but a cherubim clothed with flesh and blood."—Sermon preached at his funeral by Williams, Somers' Tracts, ii. 51, Ed. 1809. See also the note, in page 36 of the present volume.—*T.*]

[1] [On this subject, Garnet, in a paper which I have elsewhere described (Appendix to the present volume, lxv. note), says to James, that "father Persons procured, for the safety of his majesty's person in his childhood, succours of money, to increase his guard, and an offer of the best jewel the king of Spain had, in marriage": and Persons himself, writing to Garnet, and referring to two letters which he had formerly written, one to the earl of Angus, and the other to James, says, that one object of those letters was, to set forth his "faithful and continual travail for his majesty's mother, and for her and his cause, during her life, and for many years after: wherein I may say truly," he continues, "that not only *plus laboravi*, in respect of any one that laboured, in those days, with foreign princes in their majesties' services, but *plus profeci* also, as may appear by the sums of money and other presents, which I procured both from the king of Spain and pope Gregory the thirteenth, towards the maintenance of a guard, for safety of his majesty's person in Scotland, and to other uses:—and if his majesty either had not the use of those sums, or remember them not, in respect of his small age and many troubles in those days, yet is the thing sure, and I can easily get authentical testimonies thereof, if his ma-

memory, who was never persecuted by any, but those of the reformed religion; the interest he had, to keep at good terms with all the catholic princes of Europe, who, if provoked, might have thrown his kingdom into the utmost confusion,—these considerations might weigh with him, to be somewhat favourable to his catholic subjects. And thus much he seems to insinuate himself, in his speech in parliament, February 19th, 1623, upon the breaking off of the match with Spain. "It hath been talked of my remissness in maintenance of religion, and suspicion of a toleration; but, as God shall judge me, I never thought, nor meant, nor ever in word expressed, anything that savoured of it. It is true that, at times, for reasons best known to myself, I did not so fully put the laws in execution; but did wink and connive at some things, which might have hindered more weighty affairs. But I never, in all my treaties, agreed to anything, to the overthrowing and disannulling of those laws; but had, in all, a chief regard to the preservation of that truth, which I ever professed," &c.[1] Now, as his majesty's civilities to his catholic subjects, upon certain emergencies, cannot be concealed, so the rude treatment they received from him, at other times,

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jesty require it."—As the letter, wherein this passage occurs, is the same to which I have referred in the third volume of this history (page 31, note), I may as well avail myself of this opportunity to state that the original is not, as I was led to believe, at Stonyhurst, but in the State Paper Office, Recusant Papers, No. 4.—*T.*]

[1] [Dodd has given this passage probably from some printed report of the speech. I will subjoin an authentic copy of it, as inserted in the journals:—

"One particular I must remember you of; because it hath been much talked of in the country, that I should be slack in my care of religion for other occasions. My lords, and you gentlemen all, I pray you judge me charitably, as you would have me to judge you: for I never made public nor private treaties, but I always made a direct reservation for the weal public, and cause of religion, for the glory of God and good of my subjects. I only thought good sometimes to wink and connive at the execution of some penal statutes, and not to go on so rigorously as at other times:—but, to dispense with any, to forbid or alter any, that concern religion, I never promised or yielded. I never did think it with my heart, nor speak it with my mouth. It is true, a skilful horseman doth not always use the spur; but must sometimes use the bridle, and sometimes the spur: so a king, that governs wisely, is not bound to carry a rigorous hand over his subjects, upon all occasions, but may sometimes slacken the bridle, yet so as his hands be not laid off the reins. And so much for that point to be cleared on all occasions."—Lords' Journ. iii. 210.—*T.*]

is very notorious. Did he not send forth several proclamations for banishing their missioners? Were not pecuniary mulcts frequently paid with the greatest rigour? Were not the prisons often filled with catholic recusants? Did not several strict laws pass in his reign, against seminaries, foreign education, &c., to incapacitate catholics, and deprive them of their birthright and inheritance? Nay, we meet with some, who were put to death upon account of their sacerdotal character.[1] Let any one consider this behaviour to-

[1] [A list of these, together with an account of the persecution carried on in Yorkshire, will be found in an additional article to the present volume. In the mean time, as a partial illustration of this and other passages of the text, I will here subjoin the remainder of Lewknor's letter, cited in a preceding note:—

"We came to London", says the writer, "about the last of November (1612), at which time, the ladies imprisoned for the oath made suit to be delivered upon bond; the which would by no means be granted: and such as were forced to fly into other shires could not return upon any terms; their husbands being bound in a thousand pound bond, to bring them forth when they should see them. Yet it was thought for money it might be compounded; but it proved all contrary: for sir Francis Stonor laboured much to get his lady out of prison, and offered very liberally, either in present money, or yearly annuity: but no less would be taken than the statute, which is £200 per annum. Mr. Simmons sought the best means, and offered £100 to have his wife come home unto him (who, for fear, fled into the next shire); but it would not be granted him, that, for £100, his bond should be taken up of £1000.

"The sessions held at the end of the term, there was a papist arraigned and condemned, upon a question demanded of him by his keeper's wife,—whether, if one should kill the king of France, he might absolve him?—to which he answered that, if one should kill the king of France, and be truly penitent, he might; for which he was condemned and executed (my lord of Canterbury having obtained the same of the king, promising him that it would be very profitable to their cause, for that the priest was both timorous and unlearned; which when the king heard to be otherwise, he raged exceedingly, and said he would execute no more): at whose death, a protestant beholding his undaunted courage and bold spirit, full of life and comfort, he concluded in himself that he only was happy for his religion; and thereupon went from the gallows to the Gatehouse, and desired to speak with a priest. They bringing him to father Blackfan, he resolved to the best, and was reconciled within few days: for which my lord of Canterbury clapped up close Mr. Blackfan, where he still remaineth so.—At the same sessions, there was between fifty and sixty endicted. * * *

"About this time, came the king from Royston, who had resolved that the contract betwixt the palsgrave and the lady Elizabeth should be on St. John's day following: but there was new fears put into the king's brains, and an enquiry was to be made of all the catholics of England, and their servants; and, especially about London, every householder must give up the names of his lodgers, and their religion; if catholics, their names and their servants'. This was very exactly done: so that the old countess of Arundel was troubled with these constables and churchwardens, by commandment from the justices, who had their authority from above:—also my lady Blanch, with her servants, my lady Eleanor, and others, whatsoever lived within or near the city.

wards catholics, and see if he can reconcile it to the opinion some persons have of his majesty's intentions,

" In the heat of this enquiry, it happened that some of the late prince's servants had robbed some seven or eight clothiers in Kent, and killed them all; and also certain gipsies, to the number of eighty, were gathered together, and came near my lord of Huntingdon's house, who, out of his justiceship, sent some twenty of his men to apprehend them; who returning well beaten, with their heads bleeding, the report came to London that my lord of Huntingdon was slain, and two of his men. But to Warwick the report went, he was not only killed, but by multitudes of papists with blacked faces: insomuch that the high sheriff sent for my lord Compton, their lieutenant, who put themselves in arms. This went also to Banbury, to sir Anthony Cope, who presently called together the constables and people, told them of the danger approaching, executed upon my lord of Huntingdon; and he was the next whose throat the papists must cut: 'and therefore', said he, 'let us fortify ourselves';—and having given order that men should take arms, he, for his security, felled down all the trees about Banbury, and made trenches about the town, and made brave barricadoes by the wisdom of their sconces. And so it went on towards Oxford, before the gipsies were discovered; and, the other way, came to London. And being in council, what was best to be done, my lord Zouch thought it fit that all the arms of recusants should be taken away. Then it was asked if those, who had taken the oath, should be disarmed? and my lord Zouch answered, 'Yea, for they were least to be trusted, because they swore against their conscience':—whereupon came out a proclamation, that no man must have a pocket dag, and that every man must deliver up his dags and pistols to the next justice of peace, upon the king's displeasure. Then were there letters directed forth, which was for the taking away of all the armour of catholics, but for the defence of their house; which was at the discretion of the justices, who in person were to make the search for armour. This their intent of searching for armour [was] unknown; but a search to be made bred great fear among all the catholics: for herewith was a speech of a massacre, which held so violent for three days, that nothing else was expected amongst the common people. Nay, ladies of very good fashion fled from their houses: other ladies, disguising themselves into kitchen-maids' apparel, went to counsel with their friends what they might do, with baskets in their hands, as their greatest security in the streets:—nay, a lady of my acquaintance, whose husband is a man of £3000 a year, went unto my lady of Worcester, to know her opinion; who was so far from comforting her, that she put her in greater fear than she was before:—so that they lived privately in protestant houses, or close in their own.

" In this time was the contract made, in the great chamber at court. The king [was] present, brought in in a chair, for he was then so gouty he could not go; and the queen, no way affecting the match, kept her chamber. The contract was read by sir Thomas Lake, the palsgrave and the lady Elizabeth placed in the midst of the room: which done, my lord of Canterbury gave them a long and large benediction. * * * Then came forth a new summons, that all those, whose names were formerly taken, must appear before the dean of Westminster and the justices of Middlesex. So, their intent being to offer the oath to all, the catholics were compelled to absent themselves, to free the warning; and such as could not shun it, not to appear: so that there were few that appeared. Such as did were of mean rank; and those that refused the oath were sent to prison: such as did take it were delivered upon bond.

" Then, after this enquiry, followed that of the search for armour, which was so strict, that they searched their very beds, and demanded an account of those that lay in them, and took away, in many places, their horses, under pretence of horses of service. And so strict a guard was held at London, that, every night,

for embracing their religion. But, especially, let him compare it with that odd account Mr. Echard gives of

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either my lord mayor or sheriffs did watch in person, and the aldermen or deputies in their wards: and this continued when I came away; the rumour being, that in Spain was great provision of shipping, a greater armada than that of '88, and that Firon was gone from Italy to Spain, to come for Ireland. And hereupon it was said that my lord Evre should go president for Ireland; and letters were to be sent for a general muster.

"In this time, were all the gentlemen of the west country sent for up, that lived within forty miles of the sea; amongst which was sir John Webbe; and he was accused to have made a purchase, with money from Spain: for, the term before, he had made a purchase of £14,000. It was by the Pool; and he must receive them, the Spaniards, in there. So, he having proved what land he sold for the money, what money he borrowed, and of whom, the causes why he desired it (which was because he had a great pennyworth), after Canterbury had said it was no more than any of them would have done, he was bid choose to what protestant's house he would be committed.

"Then Mr. Harry Shirley was accused, who dwelt in a thatched house on the other side of the Pool, for having a boat to receive dangerous persons: but when it was proved a boat to carry his compass into his grounds, then he was willed to choose what protestant's house he would live in:—and so of Mr. Coram, and the rest.

"Mr. Rowe, at this time, was sent for up by a pursuivant, for that, being with a knight of his acquaintance, where it was objected that the papists had poisoned the prince, he answered, it might as well be the protestants, for that he had more of them about him: the which the said knight repeating, at another time, [as] what he heard a gentleman say of his acquaintance, where a Scot was present, he was forced to bring forth the same gentleman; and it cost him forty pounds before he was released. * * *

"The mourning for the prince ceased upon our Candlemas-day: but, in the king's presence, there was little mourning for him; for the king affected not that ceremony. At Christmas, he gave the courtiers leave to mourn in satin. Some say the prince was poisoned; but surely howsoever, he was of a most disordered diet: for he would very often eat himself dead; and then they had no better means to recover him, than by thrusting his head out of a window, and doubling of him. He then, disgorging himself, would become well again. He had, at his death, in his coffers, £60,000; and it was thought, this summer he would have made a journey over to his new brother, and so to have acquainted himself with the heretic princes.

"The queen so much disliked the match, that, the palsgrave presenting her with a new-year's gift, an agate of great price, a cup, she bid him keep his bowls to himself: and the princess coming to visit her, and one coming in said, the lady Elizabeth's grace desired her duty to her majesty, she answered,—'Who? the goodwife palsgrave? Let her come in.' * * *

"The state of England standeth thus, that the council hath sat three months, to devise means for money; and all that they have procured, the king gave away in one day. He alloweth these presents to the palsgrave,—a hundred pounds a day; he hath given him all the jewels of the prince, and many of the prince's horses; the rest he gave to count Henrick, who returned with very great presents. The fireworks and fight of ships that was made above the bridge, with castles, beacons, and blockhouses, cost at the least £40,000. It is thought the marriage cost the king £100,000 at the least: but the palsgrave's followers and counsellors say that the king getteth well of their master; for the aid-money amounteth to much more than the portion, and charge of the feast, and their lady's portion for her departure, cometh unto. There is prepared two ships

king James's disposition towards the church of Rome, which, he pretends, was derived from two Frenchmen, one Monsieur Déageant, a prime-minister of state in France, and Monsieur D'Hugues, archbishop of Embrun; the latter being sent over ambassador, about the match with France. The account is this, in 1624 Mr. Echard's words:[1]—"The archbishop had several conferences with the king, in which his majesty testified his great desire to be allied to France, and the other insisted upon a toleration, as the most effectual means to give satisfaction to the catholic princes: whereupon the king, laying his hand upon his hand, said, 'I plainly see, that you are a person appointed by God, in whom I ought to confide, and to reveal the secrets of my heart.' Afterwards, he freely acknowledged to the archbishop the good opinion he had conceived of the catholic faith; and so particularly, that he omitted nothing; protesting to him, 'that, during his minority,

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royal, to carry him home; and the king hath protested his crown was not more welcome to him than he. And well it appeareth; for he straineth all he can to set them forth. It is said that there is given to twelve gentlemen that are to attend the princess, in apparel £1000, and so much in their purses apiece, which is £24,000. Beside her other followers, the earl of Arundel and his lady bring them over, and so go for Padua or those parts.

"It is, as I was saying, the most judicious opinion, that our opposites were never so weak both in purse and counsel, nor never more maliciously violent and easy to be wrought: for those who should have no courage, and those who have no power but in a choleric king, are so open with their headless plots, that every one observeth infinite malice. And, without all doubt, if the rumours of Spain should be true, they must fly to the king's refuge,—'If they will come, who can hinder it?'—for so he saith, as desperate, or ready to make his composition upon any terms: but yet hopeth it may hold out his time, which is all he careth for.

"I hear, since my coming, that, at the marriage, there came the commandment of the emperor, for the summons of the palsgrave to the diet shortly to be holden: at which time, the king was at meat, and, falling into his frantic furies, flung the meat and dishes about the house, for anger. By this, you may perceive a jealous or politic state. If jealous, it is the more miserable; if politic, the more cruel: but the people in general were never so apt for a new impression, nor more careless what they say, if they be not catholic. They speak strangely of the state, and fling out libels even against the king and council." Original, Stonyh. MSS. Ang. A. iii. 119.—*T.*]

[1] [In point of fact, the words, with some trifling and probably accidental variations, are copied by Echard from the translated edition of Déageant's Memoirs, printed in 1690. Subjoined to that work is the archbishop of Embrun's report of his negotiation in England; and from this (237—240) the first paragraph of the extract is taken: the second is transcribed from Déageant's own narrative, 122—124.—*T.*]

his tutors having perceived his inclination to that religion, he ran great hazards of being assassinated. As to a toleration, he professed he had long designed to grant it in his dominions; and, for that very purpose, he intended to summon an assembly of prelates, and other learned men of England, together with an equal number of foreigners, and, upon the decisions there made, to found the said liberty; adding, that he had already determined what persons should be chosen among the English; and that, if the assembly could not meet at Dover, he would consent that it should be holden at Boulogne, as soon as he should be in a condition to rely upon the king of France, by the means of the intended marriage: And, to procure these good effects, he thought convenient that, after the consummation of it, the archbishop should return into England, under the pretence of accompanying the princess; at which time he would deliver to him two letters, written with his own hand, one for the French king, and the other for the pope, containing his serious resolutions. He would also give him a distinct memorial, concerning his intention, which he would sign: that the archbishop, being furnished with these despatches, should go to Rome under colour of visiting the apostolic see; there to treat with the pope alone, for whom, he said, he had a greater respect and affection, ever since he understood he had composed verses, in his youth, on the violent death of the queen of Scotland, his mother, in commendation of her, and of the family of the Stuarts; which he showed to the archbishop.' He further declared 'that, in case the archbishop returned from Rome, with the approbation of his holiness concerning the convention, he would cause it forthwith to be assembled; whereupon extraordinary and admirable events would ensue: but, before he proceeded to discover his design, as to his own person, he would negotiate with the protestant princes of Germany, and with the principal puritan lords of England, and Scotland; and promised that all things should tend to a happy conclusion, and to the great advantage of the catholic church.'

This, says the archbishop, is the substance of all the discourses they had, at several times, upon the subject.

"Monsieur Déageant further tells us, that, being satisfied as to all the points of controversy, the king wrote a long letter to the pope by a catholic gentleman, his subject, whom he privately sent to him on purpose; 'in which he acknowledged him as the *vicar-general of Jesus Christ on earth*, as the *universal father of the christians*, and *the chief of all catholics;* assuring him that, after he had taken care of those things to which he had agreed, he would openly declare himself. In the meantime, he promised not to suffer any search to be made in his kingdom after priests, that were sent by his holiness or the most christian king, provided they were not jesuits, in whom, he protested, he could not confide, for several reasons; principally, because he accounted them the authors of the gunpowder treason, by which they were to have blown up him, and the chief of the nation.' In his letter, among other particulars, he entreated the pope, 'to vouchsafe, that the goods of the church, that were entered into the patrimony of the principal families of England, should not be taken from them; but that they should be permitted still to enjoy them, because, otherwise, great trouble and commotions would ensue.' He affirmed, moreover, 'that nothing could hinder him from making a public profession of the catholic religion at this time, but the desire he had, to gain the king of Denmark, his brother-in-law, whom he had, for that end, though under another pretence, solicited to come over into England, where he hoped to convert him: that, by doing this, he should be able to establish peace in his own dominions, which otherwise could hardly be maintained: and that they two, united in the same design, would draw after them almost all the northern countries.' The duke of Buckingham, and the gentleman he sent to Rome, were the only two persons, that were subjects, to whom he communicated these intentions. The duke had promised to follow him, and had made a considerable progress in the affair; but all

these remarkable designs were made void by the death of the king of England, not long after; at which the French king, declaring the news to the archbishop of Embrun, expressed a very sensible regret in these words,—'All our hopes of England are lost.'" [1]

Here I own myself to be at a stand, what conjectures to make concerning this piece of secret history. It were to be wished Mr. Echard had given the world more distinct proofs of the authenticness of his memoirs. Sometimes I am inclined to believe he has patched up a narrative from people's apprehensions, and unconnected scraps of intelligence. Or shall we say, that those French politicians, he pretends to quote, have misreported matters, by being too credulous, and mentioning that as a formed design, which king James, perhaps, only intended as a project, which might be pleasing to the French king at that juncture of time? For, if we consider the thing in itself, there is no occurrence in king James's life, that affords any grounds to imagine that he had conceived any such design. Besides, the method for bringing it about was so unpromising and unfeasible, that any man of common understanding might easily see it could never take effect. Should I take the same liberty with king James, which some have done, who tell us, he was so great a master of dissimulation, that he could carry it to the very altar, then we have found the key, that unlocks the whole secret of this remarkable discourse with the archbishop of Embrun.[2]

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[1] Echard, i. 975, 976.

[2] [That James's dissimulation was sufficient to account even for more than is here attributed to him, there can be no doubt: at the same time, it may, perhaps, be questioned whether, in the present instance, it is necessary to recur to this for the solution of Dodd's difficulties. The truth is, that Echard's narrative, as the reader already knows, is made up, partly of the archbishop of Embrun's own relation, and partly of the hearsay account left us by the minister Déageant. The latter, who wrote at a distance, and from report, alone speaks of the pretended letter to the pope: the former, who was the agent in the negotiation, makes no mention of any such document: he describes only his own interviews with James; and, instead of intimating that the monarch addressed any communication to Rome, he expressly tells us that he was himself commissioned to write to the pontiff, for the purpose of "facilitating the dispensation" requisite for the French match (p. 245). I have no doubt that the real letter,

I am, in the next place, to say something concerning the treaties he entered into with Spain and France;

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of which Déageant had heard, was one written by James to the pope in October, 1622, and conveyed with a secret message from the writer by George Gage. A translation of this letter has been printed in the Cabala (412): the original, from a MS. in the State Paper Office, will be found in the Appendix, No. LIX. As to James's design, as expressed in his interviews with the archbishop, it is clear that it extended to nothing more than a toleration.

There is another point, to which, as illustrative of James's character, I ought to advert in this place. The reader is acquainted with the "Apologie," written and published by the king in defence of the oath of allegiance. In that work (p. 29), the writer had complained of the injury, inflicted on him by the two breves issued by Clement the eighth, shortly before the death of Elizabeth (See the note in page 60, ante): Bellarmine, in his reply (Tortus, 47), denied the justice of the complaint, and took occasion to print a letter, which the king himself had addressed to the pope in 1599, and in which he had not only solicited the dignity of cardinal for the Scottish bishop of Vaizon, but had also subscribed himself, "your holiness's most obedient son, J. R." (See it in the Appendix, No. LX). At first, James was silent under the charge, thus unexpectedly levelled against him: afterwards, he resolved to deny the authenticity of the letter, and to throw the guilt of the fabrication on Elphinstone, lord of Balmerino, his secretary at the time. The latter was summoned before the council (1609), and compelled to sign an acknowledgment of his supposed crime. It was said that he had frequently urged his sovereign to open a correspondence with the pope, but had failed in the attempt: that, in conjunction with a lawyer named Edward Drummond, he had at length composed a letter, to which it was agreed that he should obtain the royal signature: that, with this view, he had taken the opportunity of placing it, among other papers, before the king, at a moment when the latter was about to leave the palace on a hunting party; and, finally, that James, unsuspicious of the fraud, had signed it with the other despatches, in total ignorance both of its object and of its destination (See the confession, in Tortura Torti, 191—194). This story, it will be allowed, was sufficiently improbable: it was rendered, however, still more so, by the fact, that, of the other despatches, three at least were acknowledged to have been addressed to the cardinals Aldobrandini, Bellarmine, and Cajetan. Still, though no one was deceived, James thought that he could blind the eyes of the world. Balmerino was endicted for treason, and received judgment of death: but the king, unwilling to incur the guilt of a legal murder, privately interposed to prevent the execution of the sentence; and the accused, after a short imprisonment at Falkland, was ordered to be confined to his own house, where he died, in 1612 (Spottiswood, 508, 509; Calderwood, v. 322, vi. 147; Balfour, ii. 29, 30).—Perhaps I ought to add that one of the persons, employed by James to convey the letter and message to Rome, was father William Crichton, or Creitton, a jesuit, who, writing to father Owen some years later, thus incidentally mentions the fact:—

"Now, since the cardinal Borghese is pope, with whom father Persons hath great credit, it were good that he employed his credit for the reduction of our country; but with better intelligence with us, nor he hath had in times by-past: for, though he be of greater prudence and better discourse nor we of our nation, yet we understand better the affairs of our country nor he, and some little of England. If he had rown the same course with us, as oftentimes by word and writing I did inform him, our matters of religion had been, perhaps, in better estate nor they be at this present; for I did foretell him of the success which is presently in effect, and that no hope nor reason was that they could be other-

and the private articles he is charged with, in favour of catholics. An alliance with two such powerful kingdoms was far from being unpolitic: for, whom should we have recourse to for assistance, but to those that are most able to afford it? And what nations are most capable to make trade flourish amongst us, but such as encourage our labours, and take off our manufactures? But, perhaps, those that quarrelled with him, upon this score, would have advised him to an alliance with the Dutch, the rivals of our earthly happiness; or with some petty German prince, to hang upon the court, like some starving trencher-man at a nobleman's table. Indeed, by the treaties of marriage with catholic powers, he seems to have been under a necessity of allowing some liberties to the princess consort, and her domestics. But in this he was not singular; some of his predecessors, though heathens, not refusing it. Besides, there was no law debarring him from such treaties; and he looked upon it as a branch of his prerogative, to dispose of his own children in marriage. But as to extending his indulgence any farther to his catholic subjects, it is what he solemnly denied; especially as to a toleration. What he was pleased to favour them with, in that respect, was, only to mitigate the execution of the penal and sanguinary laws, which both he and all Europe exclaimed against, as being carried on with too much rigour in the late reign. Then, as to the private articles, which are said to have been agreed to, in favour of catholics, the best of our historians look

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ways. Yet even he remained still in his own conceits, not to procure for an heretic, wherein I was with him; nor yet to procure for the conversion of an heretic, wherein I was against him: for then our king had so great fear of the number of catholics, the puissance of pope and Spain, that *he offered liberty of conscience, and sent me to Rome, to deal for the pope's favour and making of a Scottish cardinal;*—as I did show the king's letters to father Persons, and prayed him to concur, at the least to give some satisfaction to our king; but in vain: and I returned to Avignon with much desolation, and did tell both pope and father Persons that now he sought them, but, being refused, the time would come that they would search him, and likeways in vain; which now they experiment. * * * The pope is well affectioned. Some other disposition there be. The number of catholics be great. Only father Persons do guide. I pray your reverence to counsel him not to exclude us, or to attempt without counsel." Original, Stonyh. MSS. Ang. A. iii. 55.—*T.*]

upon them as spurious, or, at the most, only the foul draught of a scheme, drawn up by some catholics, in hopes that it might take effect.[1]

With regard to what is alleged against king James in relation to his son-in-law, the prince Palatine, as if he neglected the protestant interest upon that occasion, and did not support him in his pretensions to the kingdom of Bohemia, he declared to the world that he did what he was capable of doing, considering the situation of affairs in Europe, at that time. He assisted him, and engaged his friends to assist him, with money. It was not in his power to restore him to his patrimony. He promised to send over forces, if his parliament would provide for them, and other protestant princes (as, by repeated instances, he had exhorted them), would join with him in the cause. But then, at the same time, he took the liberty to say, that he was incapable to judge of the merits of the cause, between the emperor and his son-in-law; as being entirely a stranger to the laws and customs of the Bohemians, in the election of their kings. Besides, he was not thoroughly satisfied with those of his subjects, who were for pushing him on, to make war with the emperor. The subjects of the Palatinate were calvinists; and they were chiefly the fanatical party, who stickled so much for them in England, under the direction of Abbot, archbishop of Canterbury, who endeavoured to put all Europe in a flame, by fomenting a religious war. The intentions of this prelate are laid open, in the letter he sent to Sir Robert Nanton, secretary of state, wherein he tells him "that God had set up this prince, his majesty's son-in-law, as a mark of honour throughout all christendom, to propagate the gospel, and to protect the oppressed: that, for his own part, he dares not but give advice, to follow where God

[1] [The historians, here alluded to, are Nalson (Introd. liv. lv.), and perhaps Echard, who has cited the remark of Nalson (i. 966). Frankland gives the articles, but says that "they must be taken entirely on the credit" of Rushworth (p. 80). By all our best writers they are admitted to be authentic. The matter to which they refer has been reserved by Dodd, as a subject for the introductory article to the following reign.—*T.*]

leads; apprehending the work of God in this, and that of Hungary: that, by piece and piece, the kings of the earth, that gave their power to the beast, shall leave the whore, and make her desolate: that he was satisfied in conscience, that the Bohemians had just cause to reject that proud and bloody man, who had taken a course to make that kingdom not elective, in taking it by the donation of another. The slighting of the viscount Doncaster, in his embassage, gave cause of just displeasure and indignation. Therefore, let not a noble son be forsaken, for their sakes, who regard nothing but their own ends. Our striking in will comfort the Bohemians, honour the Palsgrave, strengthen the princes of the union, draw on the united provinces, stir up the king of Denmark and the Palatine's two uncles, the prince of Orange and the duke of Bouillon, together with Tremouille, a rich prince in France, to cast in their shares. The parliament is the old and honourable way for raising of money; and all that may be spared is to be turned this way. And, perhaps, God provided the jewels, which were laid up in the tower by the mother, for the preservation of the daughter, who, like a noble princess, hath professed that she will not leave herself one jewel, rather than not maintain so religious and righteous a cause. Certainly, if countenance be given to this action, many brave spirits will offer themselves. Therefore, let all our spirits be gathered up, to animate this business; that the world may take notice, we are awake, when God calls."[1] This letter was far from being agreeable to king James, who was always studious of peace, and desirous to compose the differences between crowned heads, without going to extremities. As for archbishop Abbot, the author of it, he was always disposed to thwart the king in most of his

[1] Rushworth, i. 12. [The letter, of which this is the substance, was written in consequence of a consultation on the subject of Bohemia, at which Abbot, from illness, was unable to attend. It is printed in the Cabala (108). Amongst other things, the prelate says: "There is no going back, but a countenancing it against all the world; yea, so far as with ringing of bells, and making bonfires in London, so soon as it shall be certainly understood that the coronation is past."—*T.*]

undertakings; was vehemently bent against the match with Spain, and a friend to dissenters. "His doors were most open to puritanical persons and malcontents."[1] In fine, he was far from being a friend to the established church; and his remissness in church discipline made his successor's proceedings look like innovations, and his visible partiality to the laity, against the clergy, fomented those differences which afterwards happened, to the destruction of both the church and the monarchy.

Before I conclude what relates to king James's character, some, perhaps, may expect that I should add a word or two concerning arbitrary power, which he is said to have laboured for. As to the thing itself, arbitrary power, in all governments, must be lodged somewhere; because there must be a *non plus ultrà* of authority, in order to put an end to debates, which otherwise would be perpetual. Many inconveniences (besides breaking in upon the constitution) attend it, when it is assumed by a single person; and we are not always in safety when it is managed by a multitude: especially, when the number is contracted into so small a compass, as to become all dependent and creatures to a single person, who may, by that stratagem, deprive the people of their liberties, under the plausible pretence of being their guardians. The usurpation of a single person, in the first case, may be easily opposed; but, in the latter, where the people are made slaves, as it were, by their own consent, to whom can they have recourse, to shake off the burden? But these are matters of too high a nature, to be looked narrowly into. I shall only take the liberty to observe that arbitrary power, in the kings of England, has always been esteemed directly opposite to our politic constitution. But, at the same time, we are to take it along with us, that politic constitutions have, so far, a resemblance with human bodies, as to be subject to alterations. Now, it is undeniable, that the constitution of the English government has not

[1] Echard, ii. 16.

always been the same. Several laws, which sometime were esteemed to be fundamental, have been repealed; both those regarding the liberties of the people, and such as belonged to the royal prerogative. Nay, even at this day, these matters are a subject of contention; nor can it easily be determined, where to fix the boundaries of each of those powers, which make up the legislature. It is not to my purpose to mention particulars. However, thus much may be said in general,—that, as several of our monarchs, in former days, have borne hard upon the constitution, by depriving the people of their liberties, so the royal prerogative has been attacked by the people, where they had no right to call it into question. Now, as all persons are jealous of their privileges, king James, perhaps, might think his parliament was too encroaching, and, upon that account, show something of resolution and stiffness in asserting his prerogative; which, by construction, exasperated minds might look upon to be an attempt for introducing arbitrary power. But whether this was king James's real design, or only the surmise or misrepresentation of his enemies, I leave to every one's private speculation; and perhaps the following letter of king James to the speaker of the house of commons, will be some direction how to pass his judgment:—"Mr. Speaker, we have heard by divers reports, to our great grief, that our distance from the houses of parliament, caused by our indisposition of health, hath emboldened some fiery and popular spirits of some of the house of commons, to argue and debate publicly of matters far above their reach and capacity, tending to our high dishonour, and breach of prerogative royal. These are, therefore, to command you to make known, in our name, unto the house, that none therein shall presume, henceforth, to meddle with any thing concerning our government, or deep matters of state; and namely, not to deal about our dearest son's match with the daughter of Spain, nor to touch the honour of that king, or any other our friends or confederates; and also not to meddle with any man's particulars, which

have their due motion in our ordinary courts of justice. And whereas we hear, they have sent a message to Sir Edward Sandys, to know the reasons of his late restraint, you shall, in our name, resolve them, that it was not for any misdemeanour of his in parliament. But, to put them out of doubt of any question of that nature, that may arise among them hereafter, you shall resolve them, in our name, that we think ourself very free and able to punish any man's misdemeanours in parliament, as well during their sitting, as after: which we mean not to spare hereafter, upon any occasion of any man's insolent behaviour there, that shall be ministered unto us. And, if they have already touched any of these points, which we have forbidden, in any petition of theirs which is to be sent unto us, it is our pleasure, that you shall tell them, that, except they reform it before it comes to our hands, we will not deign the hearing, nor answering of it."[1]

[1] Letter of king James to Sir Thomas Richardson, speaker of the house of commons, from Newmarket, December 3, 1631, apud Rushworth, i. 43.

## ADDITIONAL ARTICLE I.[1]

PERSECUTION.—PARTICULAR INSTANCES OF PERSECUTION IN YORKSHIRE—MEANS ADOPTED TO HARRASS THE CATHOLICS—THE COUNCIL—THE HIGH COMMISSION AND ITS OFFICERS—THE SHERIFF AND HIS MEN—PURSUIVANTS—GRANTS OUT OF RECUSANTS' ESTATES—REVENUE DERIVED FROM FINES AND FORFEITURES—CATHOLICS DRIVEN INTO LINCOLNSHIRE—THEIR SUFFERINGS—EXTORTIONS OF THE PURSUIVANTS—INEFFECTUAL COMMISSION TO REPRESS THEM—GREAT NUMBER OF CATHOLIC GENTRY—IMPRISONMENTS—LIST OF CLERGY AND LAITY EXECUTED FOR RELIGION.

VERY reverend and good father,—Being enjoined, partly by your former letter of the twenty-fifth of September, and partly by my superior's commands at the same time (either of which was sufficient to oblige me to performance), to make relation of such particular vexations and persecutions as to my knowledge had happened to the catholics in those parts where I lived and conversed in England, to wit, in Yorkshire, about York, though before I had at large performed the same out of England, a year ago, and that at large, with all circumstances of place, time, and persons, yet seeing the latter, as afterward I learned, never passed England, I will, to my power, though not in such exact manner as then I did, relate such as yet occur to my memory; being ready, if so it be thought good, to procure out of England the same and many more, in more exact manner, which not only in that time, in other parts adjoining, but also since, I doubt not, have, and at this present do, in most lamentable manner, happen among the catholics of those parts.

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[1] [The paper, which forms this article, is a report made by Father Pollard in October, 1610, and preserved in the Stonyhurst collection of MSS. Ang. A. iii. 100.—Perhaps I may as well take the present opportunity of stating, that for this, and for all the other papers which I have cited under the above title, I am indebted to the personal kindness of the Reverend Richard Norris, S.J., who, some years ago, availing himself of the power which he then possessed, as provincial of the society, most readily and obligingly placed the five volumes containing them in my hands. I am told that the other parts of the Stonyhurst collection are extremely rich.—*T.*]

First, I will begin with a gentlewoman known to myself, by name Mrs. Thorpe, a woman of good birth and place, both by herself and her husband allied to the best gentlemen of the country, and, in her husband's days, one of the best housekeepers in those parts. She, after her husband's death, lost her jointure, house, and all she had, and, at the length, came to that misery and want (being now of good years), that she, not having a house to dwell in, nor money to relieve her, was forced to come to the manor-house (of which she had been before mistress, but [which] was now by her son, who was fled into Ireland, let to a stranger), and there to lie in an out-house, where she had neither bed, meat, nor drink, but such as those who had been before her poor tenants brought; some bringing her bread, some drink, some pottage, and others lending her bed-clothes and other necessaries: and, amongst the rest, a protestant gentleman in compassion gave her a cow, which she herself milked; and so, for a good time, remained, till, at the length, she was provided of a better house, to wit, York castle, to which she was sent, and there for certain years remained.

About two years ago, in lent, this happened to a tanner and his wife, by name Rawson, who though they had compounded with the king, and agreed for the two parts of their lands and goods, yet had they by officers, designed and sent from those of the high commission of York, their goods driven and taken away, three several times in one lent; every time taking all they found about the house; were it his own goods or his neighbour's they cared not.[1] The last time of all, which was in the holy week, finding nothing about the

[1] ["It would be tedious in me to discourse", says another contemporary, "and you to understand, how many having compounded, thinking themselves secure, themselves have yet been carried to prison, and their goods to the uttermost taken from them. So was Mrs. Isham used by the sheriff, even to the smocks she used. Mr. John Lane having compounded, and thinking himself secure, had to the value of £600 in cattle driven away, and sold without recovery: and our persecution is so general, that I persuade myself none escapeth his part." Thomas Broome, to the agent More, April 25, 1611. Original in my possession.—*T.*]

house, they entered the house by force, taking first the wife, and did so beat her about the face, that the one side of her face was (as I myself can witness; for, three days after, I did see her, talk with her, and from her own mouth write the relation of all that happened) as black as any coal; so that, at the first, one would have thought it to have been some natural deformity of the one side of her face. Besides this, they threw her down on the ground, set their feet upon her belly, in which manner one kept her, all the while the rest ransacked the house. In the meantime, others took her husband, bound his hands behind him, drew out his own dagger, and with it did so beat him about the head, that all his face and body was covered with blood; and in this sort they left him lying on the ground, while they ransacked the house; insomuch that the minister of the town coming, and finding both the man and his wife lying in that pitiful manner, began to reprehend and cry out upon the fellows, for that barbarous and cruel usage of them: but they replied, all was too little for such traitors against God and their prince; and they did not forbear the minister, but accused him for taking their part, and threatened to complain of him to the high commission at York. The man himself, being unbound by the minister, went to the next justice of peace, to make complaint of his hard and cruel usage; but, before he came to the house, which was not far off, for faintness and want of blood which he had shed in great abundance, he fell down, and was carried to the justice his house. The matter seemed, in the eyes of the justices of the country, so odious, that they took information of the whole matter, and gave public testimony of all that had proceeded, and counselled the wife that she (for her husband was not able) should go to London, and there make complaint, and seek redress; which she did, preferring a petition to the lord chief baron, and the rest of the barons of the exchequer; but all in vain; for she had neither restitution of their goods, nor satisfaction for their wrongs, but, having spent her money, returned more sorrowful than she went.

Another there happened, the last year, no less memorable than the former, not far from Thirsk, to an old gentlewoman, great aunt, as they said, to the lord Scrope, of which though many circumstances I do not remember, yet that which I can call to mind I will relate. There came unto her two pursuivants, one by name Mar, who was a notable villain, and presently after hanged for killing most basely a gentleman, as he was lighting from his horse, and had, at that present, a commission to apprehend any recusant gentlewoman, of what state or place soever she was, and to send her to prison. This Mar, with his companion, came to the gentlewoman's house,—her name I take to be, though I am not certain of it, Mrs. Pudsey. They drew her out of her house, and the one taking her by the one arm, the other by the other arm, they hauled her along (for she was so weak and old that she could not go) in that manner betwixt them, to the next village. There they took a barrow, such a one as they carry dung upon, and set her upon it, and caused the people of the town (charging them in the king's name, as the custom is) to carry her in that manner to the next market town, Thirsk as I take it, where they, setting her in an inn, used not only such indecent speeches as with decency cannot be repeated, calling her "old drab", "old quean", "old witch", with many far worse, but also such uncivil and inhuman actions about her, that a gentleman, though a stranger, in the inn, seeing them, could not with patience behold them, but would needs have beaten the pursuivants, if by others he had not been holden. There was in the usage many more circumstances, which did so aggravate the matter, that particular relation was taken of it by her friends, and complaint made to the council at London, which when my lord treasurer, that now is, heard and read, he could not with patience read it out, but caused the pursuivants presently to be sent for up to London, where he would have exemplarily punished them for their undecent usage of the gentlewoman, if, in the meantime, they had not killed the gentleman I spoke of; for which they

were both laid in prison at York, and, the next assise, hanged.[1]

Not far from York, in Bubwith parish, dwells one John Barber, a yeoman of good estate of pretty land. This man had compounded with the king, and paid unto him two parts of his living, having only the third part left, to maintain himself, his wife, and children, together with his old father and mother who lived with him: yet, notwithstanding, the officers of the sheriff and other pursuivants did, in one year, drive away all his goods and cattle which he had, three several times; and, the last time, came and took all the goods and cattle which were in his grounds (were they his own or others' they respect not, so they find them on his grounds): next, all the hay and corn in his barns, with wood and other goods about the house, they prize and set to sale to whosoever will buy them, and that, at almost the half of the worth of them, thereby to allure the neighbours to buy them; and, in like manner, all the goods in the house; seeking likewise for the man himself, whom they would have had in person, and committed to prison. The good man, seeing no redress, got out to one of his neighbours and friends, and entreated him to buy, in his own name, all the goods and cattle about the house; for to the man himself, or to any other for him, they would in no case sell them. The neighbour did so, and bought the goods as for himself, and, paying the money, took them as his own, and afterwards, in private, let the owner have them again, at the same price under the worth as he bought. This good man, thus used, presently after came to the place where I was, related unto me all the manner of proceeding against him, and, lamenting his case, told us that he did not know what to do with his ground and land; for, to till it or stock it himself (besides that his

[1] [In another contemporary paper, mention is made of "a wife that was trailed at a horse's tail to the church, and carried together for the space of half a mile, and afterwards discharged by her husband, to depart his house, and to come no more in his sight: for he would not endanger himself of £10 a-month, as he was threatened by the churchwardens, from sir Nicholas Sanderson." MS. in my possession.—*T.*]

goods and corn would be taken from him) he was not able, as having been so charged with buying again his own goods; and to let it to others he could not, for no man would take it of him, though they might have it for nothing; because they were sure to lose the goods and cattle they put on it, or the corn they did sow in it.

The same man had, not long after, his goods taken out of his house by the churchwardens, his own neighbours, by the direction and command of a neighbour justice of peace, one sir William Hillyard, who, upon his own malice, caused all churchwardens to exact of every recusant twelve pence, for every week's absence from the church; and, if they would not pay it, he gave them warrant and charged them to enter the house, and take any goods they could find, and carry them into the church, and keep them in the vestry or sacristy; which, for fear, the poor man did so exactly perform, that they had almost filled the vestry with pots, pans, pewter, and such household stuff. Among the rest, this John Barker had his taken, and they among the rest laid up, until the next assise, * * * in which time, many poor people thereabouts by the foresaid justice and knight, sir William Hillyard, were most pitifully misused. Some, in whose houses they could find nothing, were sent to prison, and of them, two or three for no more than four-pence: others had their clothes taken from their beds, and the pots and pans out of their house. One poor woman had spun and wrought a little cloth, to clothe her poor children against the winter, and had it taken away: another had the coverlets and blankets taken from her bed, and another her pots and pans and pewter from her house: another was forced to remove all her goods, and, to save herself, both she and her daughter (having a little child in her arms) were forced to put themselves in beggar attire, and so to go up and down a-begging. All these in particular I know; and, among the rest, one poor man, who had nothing but that which he got upon alms, by going from door to door among his neighbours, was in his poor cottage assaulted, and, having a little milk in a pan on the

fire, was forced to leave it and hide himself. They, finding little else in the house worth taking, poured the milk into the fire, and took away the poor man's pan.[1] * * * All these happened hard by the place where I lived. Another poor woman there was, upon York Wolds, whom I knew well, but her name I have forgot, though I have rid thirty miles, only to help her and her daughter, besides whom there were no more catholics in those parts. This poor woman, being known to be a catholic, was, by the ministers together with some other justices, sent for to a market town, and, when she was there, brought before them, and found to be old and simple, and to have no goods; was not thought fit or worthy to be sent to prison (for they said she should be [to be] maintained); but was sent to the market-place, there to be showed as a monster, or an owl in the day-time, and of all to be derided and scorned; the people and boys hissing and crying out, "a papist, a papist";—after which, escaping whipping because she was old, she was set in the stocks, and there remained the most part of the day; and so was dismissed, because of her poverty and simplicity.

There dwelled in Lincolnshire two women, the one married and the other unmarried. The one having her kinsman, and the other her father, prisoners in York for their religion, went to visit them. As soon as they were entered the prison, search came, to know what and who they were; and being found, both of them, to be catholics, [they] were carried before the mayor, who, with his wise company, offered them presently the oath of allegiance, as they called it; which when they refused, as not knowing what it meant, they were both committed to the prison to which they came. The one

[1] [Birkhead, the archpriest, writing to his agent in November, 1610, says,—"Our miseries daily increase. Every hour we look for the dispersion of this family. Our friends abroad are stripped of all their goods, even to their very skin. It would be too long to tell you all that they suffer from the wiles of the pursuivants and the rapacity of the under-sheriff and his officers. Neither pans, nor pots, nor kettles, nor beds, nor bedding, nor rings, nor jewels, nor any other article, can escape their hands. The oath is demanded by the justices when and as often as they please." MS. in my possession.—*T.*]

escaped, to wit, the married woman; but the maid remained, and, at the assise, was brought before sir Edward Phillips, the judge, who (coming to the hall for the city, after dinner, well tippled, as it was observed) called the poor maid before him, and in most shameless manner reviled her, calling her all the lewd names of whore, drab, quean, which he could devise; asked the alderman if he should not hang her; and at length condemned her in the premunire, and committed her to perpetual prisonment, where as yet she remains, and is likely to continue.

Other poor women there were taken only coming to the castle, and, found to be catholics, were sent in among them, and there kept. In this prison of York, which, of all prisons in England, hath been and is most renowned for number of famous confessors and glorious martyrs, there were at one time, a twelvemonth ago, no fewer than fifty prisoners, of which almost thirty were condemned of the premunire for the oath, or else to death. Of these prisoners there were some, who, when they were condemned for denying the oath, though, before, they did lie in prison, had all their goods taken presently from them: and, among them, one having nothing in prison of his own but his bed, they took that away from him, and left him to lie on the ground. The necessities of these prisoners, and their wants in prison, hath often been so great, and that no longer ago than the last lent, that they living all in common, at a common table, of that which in charity is sent unto them, they had no more but every man according to the rate of a penny a-day, seven-pence a-week, of which allowance, a good time together, as they writ to London, they were forced to live. Their ordinary allowance, when they were as at the best, was but fourteen-pence a-week for every person; and yet, at this rate, together with fees and bribes to the gaolers, they spent five pounds every week among them. We, who lived nigh unto them, have been much troubled to get them relief; our own shire having not been able to relieve them, since that it hath been more oppressed than almost all

the shires in England; besides, as after I will declare, we laboured often very earnestly for some relief from London and from the south; but it hath been so little, and we so wearied with asking it, that it hath scarce been worth the labour. But if there be no better order taken for their relief, now especially, when, upon these new laws and executions, the number of them is like daily to increase, I do assure myself that shortly you shall hear, they will be ready to famish for want of meat. * * *

But, to return again to the practice against catholics in Yorkshire, it may be noted how many means they have to discover and punish all catholics, and how diligently every one of them is put in execution and practice. The first, therefore, is the president and the council resident at York, of which though divers gentlemen of the county be counsellors, yet they, who are the chief agents in all matters, are five lawyers, all of them strangers and men of base condition, gaping only after gain and lucre. These, every one of them, have it in their power to call, at their pleasure, any catholic, and to punish him, whether by prisonment or other way, as they please. They have their pursuivant, with three men daily to range abroad, about such employment, and to send for whom they please, and to punish them at their pleasure.

The second is the bishop and the high commission, of which though there be some gentlemen, yet the chief doers of all are a company of hungry and malicious ministers. These keep, every three weeks or month, their courts, and have authority, any three of them, to send for any recusant, to offer him the oath, to lay him in prison, and to use him as they will. They have their pursuivant also, who, together with an under-agent, do never rest, but, every court day, do summon catholics to the appearance. Their manner of proceed-

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[1] [One of these commissions may be seen in Rymer, xvii. 258—270. It authorises the parties to whom it is addressed, or any three of them, to inquire into all cases of heretical pravity, and, in particular, to take cognizance "of

ing is this;—they send out process to serve upon any catholic whom they will have to appear. The messenger, if he cannot find the party, doth either fix the process upon the gentleman's door, or give it to the curate, to be read against the party publicly, upon the Sunday, in the church. If the party do appear, it is rare if he do escape the tendering of the oath: if he do not appear, they set a fine upon his head of some fifty pounds, to some a hundred pounds, for every time they do not appear. These fines are presently certified into the exchequer, from which a writ is granted, to seize upon the party's lands or goods, to the value of the sum with which he is fixed. Upon this, are sent out officers to the gentleman's land, to take what goods soever they find upon it; not respecting whose goods they be, whether the gentleman's own, or his tenant's, or some other person's; nor in whose immediate hand and use the land is, whether in the lord's or in the tenant's: it suffices them that it is the gentleman's land. Here they will take, for a fine of a hundred pounds, goods worth two hundred pounds, and cause them to be prized and sold at the next town, at the half [their] worth: neither dare the gentleman appear, neither to rescue his goods, or to make his complaint when he is wronged; yea, often all is done, before any notice of it can come unto him. Thus they continued,

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all persons which have, or shall refuse to have, his or their child or children baptised, or which have or shall administer, or procure, or willingly suffer the sacrament of baptism to be administered by any jesuit, seminary, or other popish priest, or which have or shall celebrate the mass, or procure the same to be celebrated, or willingly hear or be present at the same." It further empowers the commissioners to seize all books written against the established religion, and to commit their authors, publishers, and dispersers to safe custody; to imprison all jesuits, priests, and recusants, and all persons sending money or children to the foreign seminaries; to seize the money or children so attempted to be conveyed out of the country, and "all massing-stuff, relics, and other like superstitious things"; to arrest all persons accused or suspected of violating the laws against recusants; to require bonds for their personal appearance, from time to time, before the court; and, in the event of their refusing the bonds, or neglecting to appear, to apprehend and commit them to prison, there to remain at the discretion of the commissioners, "or until they shall enter into such bond or recognizance as is aforesaid."—A similar commission, in the same words, but addressed to different persons, was issued for the province of Canterbury. Rymer, xvii. 200—212.—*T.*]

for the last four or five years past, fining monthly for not appearing, and so consequently driving goods for fines. By this, many have been brought to that case, that they neither durst keep stock upon their own ground, nor yet could let it out to others. Some have been forced to fly the country, and live in another shire, without the limits of this commission: some have had their goods driven again and again, and that without all order of law, or show of right, only by the mere villainy of the officers; for which, if they sued to have them again, they might, but with such a charge, that they had as good [have] lost the goods themselves.[1]

Of these, among the rest, I knew five or six yeomen, who were forced to fly the country, and to live in Lincolnshire, having almost nothing left before they went: and, among divers gentlemen, two knights, the father and the son, sir Ralph and William Babthorpe, at the length were forced to fly, both themselves and their

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[1] [Nor were these proceedings confined to the north. Addressing his cousin, Geoffrey Pole, and speaking of what was passing in Sussex and Hampshire, Benjamin Norton says,—"I have little to write of, but that I purpose, while I live and am at liberty, which cannot be long, to write to you as oft as I can. I would not have written yet this week, at the least, but so it is that I may now well fear that every letter will be my last; and therefore take this one as my last, unless things fall out better than I expect. * * * All your poor friends, near and about us, live as yet, daily expecting such hazards and miseries, as would make a christian's heart even bleed, to think of them. In the beginning of this month, the catholics of our parish were summoned to appear at the shire town; and, forasmuch as they feared that the oath would be tendered unto them, they appeared not, and straight, upon that contempt, they were excommunicated in the church, and the names of above three score, in the parish where I live, were set upon the church doors; amongst which, your two sisters, with their cousins and company, were the first. The knaves, that went then away out of the country, have, since that time, renewed their commission, and are to come shortly down again. * * * In Hampshire, they (the catholics) are warned to appear, and it is generally thought that the oath shall be generally offered through all England; and all that refuse it shall be utterly undone." In another part he adds,—"The book which you sent was like to have been taken on Sunday last, in a search at London, where there were six priests taken in secret places in one house, which was sometimes called Montague House; and, for name's sake, it is more than much feared that the lord Montague will be called in question: for the last night, news came to that purpose. Your cousin Richard was taken at Matthew Woodward's that morning, and paid sweetly for it. Matthew and his wife, although nothing was found in their house, are committed to the Clink: and the prisons are full; neither will they be able to hold many more, unless some priests be executed, which is generally expected." Nov. 22, 1610. MS. in my possession.—*T.*]

families. First, the son, sir William Babthorpe, was fined some four or five hundred pounds, for not appearing: and because they could get none of his goods, because all went under his father's name, they so pursued his person, that he was glad to live in Lincolnshire, and there remained, for two or three years. The father, sir Ralph (being a gentleman, not only so well beloved in his country, for his bountiful and good disposition, that he had not so much as one enemy to oppose against him, but being also a gentleman of a very ancient house, nigh allied in consanguinity to the earls of Shrewsbury and Rutland, and whose father had been the only potent man for credit and authority in those countries), was so sore pursued by the base ministers of this high commission (who, every month, sent out process in most disgraceful and odious terms against him, to be publicly read in his own parish church, and, after reading, to be fixed upon the church doors), that, after he had, for the space of a twelvemonth, escaped the fines by this art, to wit, by flying out of the country, from the day of the writ read in the church (of which by friends he got notice before), until the court-day was past (at which court-day, he had one remedy to take his oath that he was not in the country, as indeed he was not, from the day of the writ read until that present court-day, and so could not be fined),—after, I say, that, by this art, he had escaped, a year and more, being at the length wearied with it, he was forced to remove his whole family into Lincolnshire, and there to live: and all this he suffered, after that he had paid two parts of his living to the king, and compounded for it. His son-in-law also, sir George Palms, one of as ancient a house, and as well allied in affinity, as any gentleman in the country, did at the first lie in prison, and, after being upon bond released, and afterwards urged to return again to prison, was forced to forfeit and pay his bond, and, to keep himself from them, to live privately, so that, for the space of three years, he durst not be seen in his father's house, or be known to be there; for, because he had no goods, his father

alive and no catholic, they sought only for his person, to imprison him. These be, among many, some examples of the practice of this high commission,—which is but the two means they have, to punish poor catholics withal.[1]

The third is the sheriff and his officers, who, upon the least occasion, if they find the least thing against any catholic, are ready to arrest their persons, to drive away their goods, and to use all disgrace they can against them. Of these, among many, we had an example of an old gentleman, who, for his ancient family, was counted the chief of the country; his ancestors, together with the Percies, having been the builders of York minster, and himself the only great and bountiful housekeeper of the north,—Mr. Vavasour, the chief of that name, who is now of late dead, God

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[1] [Lady Blount, in her account of her own sufferings, has left us another illustration of the cruelties arising out of these proceedings. Amongst other things, she says, in a paper written in March, 1613,—"Abandoned of my husband, and he busy to procure my fetters, * * * day and night I was constrained to wander for my own safety, till charity, compassionate of my afflicted estate, received me until the brunt of the sessions was past: for my house being beset day and night with a strict watch, to apprehend me, as if I had been a capital offender, and other scandalous rumours suddenly spread, abashed my friends how to receive me, and made myself very cautious where to take in.

"Having thus far travelled this perplexed path, I retired myself to London, to mine own house; supposing to refresh myself with some small rest: where falling sick, and malice never having end, upon a fresh pursuit, by the council's warrant, I was attached in my own house, then being sick; at which time, but that I had a friend present, ready to undertake for me, and did presently engage himself for my appearance, I should have sustained their merciless usage, I know, not without great danger to my life: for, shortly after, by these pressures and troubles (for I can impute it to nothing else), I miscarried of my child, and might then, if God had so pleased, have ended this misery with my own life.

"But further to augment my troubles and exasperate my griefs, my confinement to this place hath been so long (my friend standing gaged for my appearance, which I have hitherto attended, and nothing objected against me), nor friend, nor means can procure my dismission (with tender of as sufficient security, as can be required, for my appearance upon reasonable monition, notwithstanding the manifestation of my allegiance), without conformity; my husband, impatient of our division, abridging my means of necessary expenses; myself perplext and troubled, with incurring his displeasure and separating myself from him, my children, and family, so overwhelm my thoughts with contrary resolutions, as I know not of whom to crave advice; but, in this labyrinth of afflictions, commit myself to the providence of God, expecting the event. As it pleaseth his divine will, so be it. Amen." Original in my possession.—*T.*]

rest his soul! This gentleman being sent for at the assises, to appear before the judge, and, by reason of his age and weakness, alleging not ability, was sent for by the sheriff, with command to take him by force, and to bring him to the judge. The under-sheriff came, with a multitude of men, partly of his own, partly of the gentleman's tenants, and, by violence, with all disgrace, brought the venerable old gentleman to the bar, before the judges, where, after many disgraceful terms, they offered him the oath, before all the gentlemen, his friends and kinsmen of the country.—And these three, to wit, the council, the high commission, and the sheriff, are always ready in any service against the catholics, their countrymen and neighbours.

Besides these three, which are ordinary and continual, there were, at one time, many other extraordinary pursuivants, ranging up and down the country, and every one making a prey of catholics and their goods. One was, and is yet, one Searle, who hath authority from the council at London to levy up all fines, set upon any recusant's head, by the same manner and taking of goods, as before I related. Another was that Mar, of whom I spoke before, who had a particular commission for all recusant gentlewomen, to apprehend and carry them to prison; and did execute it upon all, where he could not make otherwise a commodity for himself, as by the example of the gentlewoman before may appear. * * * The third was one who came with an outlawry against all the catholics of the country, whose name I have forgot. This villain had counterfeited a license and warrant from the council at London, under pretence of gathering I know not how many thousand pounds for my lord of Montgomery; and, showing an outlawry against all recusants, proceeded so far before he was discovered, that he had agreed with many for sums of money, and got it; had laid others in prison, and seized upon all their goods (as, by name, one Mr. Percy), had molested the country, got a good sum of money, and at last ran away, but took all he had got with him, and the gentleman re-

ceived nothing again. Besides these three, was one Heaton, who, for the two parts of all lands, and all recusants' goods, who had not compounded with the king, made such havoc in the country, that, for a year or two, he almost left no catholic any goods; till, at the length, for his disorder, and cozening the king of that which he got, he was put out of office, and now, for his pains, lies in prison.[1] Besides all these, were granted to the lord Sheffield one thousand pounds, to be levied out of the recusants' goods; but he did deal honourably, and, though he be president, would rather lose it, than with such violence gather it. Another sum of six thousand pounds was granted to one Loristone, a great Scot, to be levied out of the same recusants' goods. This was a-doing when I came out of England. Another sum of I know not how much was granted to the king's pages, which the bishop of Bristol, who is dean of York, gathering for the pages with whom he agreed,

[1] [Similar excesses were committed by the pursuivants in other parts of the country. "In my absence," says Benjamin Norton, "the pursuivants in Hampshire sought many places, and, finding some church-stuff at Mrs. Udall's, they got £20 of her. From thence they went to George Cope's, and came, as they said, to cramp him. About that time, in an inn at Havant, they took one Mr. White. Some say they saw him on his knees, at his prayers: others say that they had taken him a little before, and got all the money from him which he had, or could make; but, because he had not paid all that had been promised, they took him with them, and carried him to Newgate, where he now lieth. Since I came home, I received a letter from Mr. G. West" (More, the archpriest's agent at Rome), "and intending to answer him in the morning, there came an alarm to get me gone; whereupon I took me to my heels: yet nothing was done that day; but indeed there were six knaves which came to seize upon men's goods, and purposed to enter into your cousin Richard's house, and to take away plate, bedding, and household stuff; but he, having warning to keep his doors shut, did so, and hath no harm as yet. These fellows got I know not what of Mrs. Bruning and Roger Woolescot, in Hampshire. They drove away John Colpis's cattle in the night, and killed him a mare, and got £30 from him. They or the chief had almost as much of poor Ayling, of Stedham. They got four-score pounds of Ned Wiburn, and I know not what of others. They would have had Anthony Williamson's and his mother's cattle, but he swore by no beggars that they should pay dear for them. They drew their weapons thrice, one at the other: at the last, one of the knaves dissuaded his fellow from dealing with such a murderous minded man, who, as it is thought, would have died upon them. But he saved his cattle, and your cousin Richard saved his goods, not so much, as I think, by shutting up of doors, or drawing of swords, as by reason their commission was a little too stale, and was to be returned some day or two before; whereof I had intelligence before they came." Octob. 31, 1610. MS. in my possession.—*T.*]

used such violence and cruelty, that his officers exceeded all the rest; for it was they who used the tanner and his wife in that sort, as before I spoke.[1]

This hath been the practice of Yorkshire, since my coming amongst them; for of the things which happened before my coming, which were many and notable, I omit them; as the carrying by violence all the catholic prisoners at York to hear sermons, and holding their hands, that they should not stop their ears; at which some cried, some shouted, others stood up and told the preacher where he erred or lied. * * * Only I cannot omit some part of the troubles, which those catholics and gentlemen, whom before I showed to have fled into Lincolnshire, suffered there: for the council at York and the high commission, seeing that they were got out of their jurisdiction, and that they lived in those parts more quietly than they would have had them to do, made complaint to the justices of those parts, how that their country was a refuge for those who fled away from them; and thereby caused the justices of Lincolnshire to use all rigour against them. Whereupon, every year, they sent a jury of twelve men to all catholic houses, caused them diligently to search what

[1] [And yet, besides all this, which, of course, is only a specimen of the proceedings in other places, James himself tells us that, from the fines of recusants, he received annually "six-and-thirty thousand pounds of good rent, in England and Ireland" (Hardwick Papers, i. 446). Nor was this all. In the State Paper Office, there is still preserved a letter, addressed by Udall, an informer, to the earl of Salisbury, in which the writer recounts a portion of his services, and appeals to them as his title to reward. Amongst other things, he says,—"Since midsummer term last, my lord's grace (of Canterbury) and my lord of London have received, by my endeavours only, eight hundred seditious books, two suits of church-stuff, with some silver plate, and one of those jesuits who gave £50 to make an escape. The pursuivant, who, upon my direction, performed these services, was offered four-score pounds, to have overslipped, and not delivered these things. * * * Most honourable lord, deign to consider this heavy and grievous case of mine. Shall I not be able to live by mine own endeavours? * * * What poor subject, spending his poor wife's portion, hath, upon his own cost and travail, within these four years, delivered five several presses for printing, caused above ten thousand seditious books to be intercepted, and caused above three hundred pounds' worth of prohibited wares to be taken and paid into the exchequer, besides sundry other particular services of import; for all which I never received any penny in recompense," &c. (Orig. July 29, 1608, Recusant Papers, No. 140.)—There can be no doubt, that, extensive as were the embezzlements effected by the officers, the sums produced to the exchequer by these seizures must have been enormous.—*T.*]

goods they had in or without their houses, and so set a price upon them, and seized upon them, except with money they did presently redeem them. This was diligently executed, once every year; insomuch, that some had all their cattle, corn, and household stuff taken and seized for the king; others were forced, when they heard of juries coming, to remove all their goods from about their house, and their very household stuff out of their houses, and hide it in the fields, that, when they came, they might find nothing of any value in or about their houses; others had all taken away, and, among the rest, one poor man, by name Young, who was infirm of a palsy, and was not able to go but as one did help him to move his legs forward, nor yet to feed himself but as one did help him, was so ransacked by them, that they took his very pot, in which his and his poor children's dinner was a-providing, throwing the pottage into the fire, and uncording the bed on which he lay, took from him the bed and bedstocks.[1] Many other such-like examples

[1] [For the truth of these statements we have the evidence of James himself, who, in 1620, issued a commission to the lord chancellor, the earl of Arundel, and eight others, empowering them to take measures for preventing the extortions and dishonesty of the pursuivants. The following is the preamble,—"Whereas sundry complaints have been made unto us, that divers persons, pretending the execution of several penal laws and statutes of this our realm of England, heretofore made against popish recusants and other offenders of several natures, as well by informations in the name of our attorney-general, as otherwise in their own names, exhibited in our courts of king's bench, common pleas, and exchequer, have made private compositions with the parties, without any license in that behalf obtained; and likewise have discontinued and let fall divers suits, after great vexation, terror, and charge of our subjects, to their manifest wrong and oppression, and to the abuse of our said laws and dishonour of our state and government, yet little or no benefit at all hath redounded unto us by any of the said informations, the said informers only or chiefly respecting their own particular profit, and using our and our attorney's names, the better to colour their dishonest and indirect proceedings:

"And whereas also we are informed that divers pursuivants or messengers, and other persons of like employment, under colour of certain general or dormant warrants to them directed from our commissioners ecclesiastical, and sometimes from our privy council and others in authority under us, for the apprehending and taking of jesuits, seminary priests, and other suspicious persons punishable by our said laws and statutes of this our realm of England, and for doing of other things mentioned in the said warrants, have committed and done very many outrages, abuses, and misdemeanors, as well in searching the houses of divers our honest and well affected subjects, without just cause of suspicion, and taking and seizing goods, plate, and jewels, no way tending to superstitious uses, yet pretending them to be goods of jesuits and others, whom,

there be in those parts, which happened in my being among them, which, because that in particular I cannot relate the circumstances, nor the things precisely, I omit. Howsoever, by these it may be perceived what are the troubles of our north, what the malice of our magistrates and officers, especially in Yorkshire: * * and if these so great and many vexations happened only in so short a time as I was among them, to wit, three years, and that in so little a compass as one part of Yorkshire, to wit, the east riding, in which the most of them were done, and in the time of a president, to wit, the lord Sheffield, who was in all things rather favourable than grievous to them, what may be thought to have fallen out there in so many years' persecution, and in the time of those presidents, who did bend all their wit and forces to vex and molest them, yea, and to root out the very name of catholics from among them; especially the earl of Huntingdon, whose only subtile devices and bloody cruelty used among them, for, as I take it, almost twenty years, would make a just volume, if they were, or could be, wholly registered.

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by their said warrants, they were authorised to search for and apprehend; as also in releasing, discharging, and wilfully suffering sundry jesuits and other popish priests, and dangerous and evil affected persons, after they have been apprehended and taken, to escape from the said pursuivants, or messengers, or others employed in the service aforesaid, for bribes and rewards underhand given unto them, whereby not only great and notorious scandal is raised upon our government, as well ecclesiastical as civil, but also offenders of that nature, finding it to be but a pecuniary redemption, are much encouraged to continue in their former obstinacy and disobedience,—we hold it therefore most fit, for the honour of us and our government, that some speedy order be taken for the punishment of those that have already offended in that kind, and for reformation of the like abuses and offences of that nature hereafter."

The instrument then authorises the commissioners to inquire into the number, nature, and effect of all informations lodged, and all compositions effected, within the last seven years; to call for whatever commissions, warrants, or other writings they may deem necessary for the purposes of the investigation; and, finally, to punish all "vexations, extortions, abuses, wrongs, and misdemeanors", which they shall discover to have been committed by the pursuivants and other officers of the government (Rymer, xvii. 213—215). To shew, however, that the commission was not effective in abolishing the evil against which it was directed, it is sufficient to observe that so late as the spring of 1625, a contemporary, writing of what had occurred only in one parish of Lincolnshire, tells us that, between the date of his letter and the preceding August, "there had been levied and taken, by way of bribes, gratuities, or rewards, from the catholics, the sum of one thousand pounds." MS. in my possession.—*T.*]

Notwithstanding all which, it is worth the observance to consider how many in number, and great in substance and nobility, there be in those countries, who either exteriorly profess, or at the least interiorly believe, the catholic faith; insomuch, as I observed in the east riding, there be scarce three or four justices of peace or men of authority in the commonwealth, who are men of ancient families and great estate; for all such, who are suspected to be backward in religion, are barred from all such offices and dignities: and they who are the men of authority and rule, and command all, are new upstarts, either of husbandmen or lawyers, become justices and chief commonwealth-men, who indeed are those who cause the grievousness of the persecution, especially against ancient gentlemen, by whose antiquity and nobility they think themselves and their business to be too much disgraced, and, therefore, intend, if they can, to root up the memory of them, or, at the least, to keep them in subjection and disgrace among them. The number also of catholics in these parts is so great (as may appear also by the many and great sums of money granted by the king to divers Scots and pages, to be levied out of their goods), that, among my friends and acquaintance, the most of them, if not all, being gentlemen of good account, I can travel from this side Lincoln to York, and so thirty mile farther, which is above eighty mile, and, within every six mile, come to a catholic house, and, for the most, within three mile; all, or the most of them, gentlemen's or gentlewomen's houses of good account: and, for all this, I will not, in all that way, go six mile out of the ready and nighest way. Such is the resolution and constancy of the catholics in those parts, that, notwithstanding all these troubles and vexations, they have rather increased than decayed, God be praised for it. The number of those who are condemned to perpetual prison, and losses of all goods and lands, for refusing the late oath, I think is greater in York prison than in all the prisons of England beside.[1] The devotion of those who are out

[1] [To give the reader a notion of the number of catholics generally confined

of prison, in making their houses common to all priests who come, even with the danger of themselves and their whole estate, the relieving both corporally and spiritually the poor catholics who live among them, the maintaining of priests in their houses, some one, some two, is memorable among them. In the house where I lived, we were continually two priests, one to serve and order the house at home, another to help those who were abroad, who, especially in any sickness or fear of death, would continually send to us for help, that they might die in the estate of God's church.

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## A LIST OF CATHOLICS EXECUTED FOR RELIGION DURING THE REIGN OF JAMES I.

*Secular Clergymen.*

| | | |
|---|---|---|
| | 1604. | |
| John Sugar, . . . | executed at Warwick, | July 16. |
| | 1607. | |
| Robert Drury, . . . . . | Tyburn, | February 26. |
| | 1608. | |
| Matthew Flathers, . . . . | York, | March 21. |
| | 1610. | |
| Roger Cadwallador, . . . . | Leominster, | August 27. |
| George Nappier, . . . . . | Oxford, | November 9. |
| Thomas Somers, alias Wilson, . . | Tyburn, | December 10. |
| | 1612. | |
| Richard Newport, alias Smith, . | Tyburn, | May 30. |
| John Almond, alias Lathom, . . | Tyburn, | December 5. |
| | 1616. | |
| Thomas Atkinson, . . . . | York, | March 11. |
| John Thulis, . . . . . | Lancaster, | March 18. |
| Thomas Maxfield, . . . . . | Tyburn, | July 1. |
| Thomas Tunstal, alias Helmes, . . | Norwich, | July 13. |

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on this account, I may mention that, when James, in 1622, at the intercession of count Gondomar, released the catholics imprisoned under the penal laws, no fewer than four thousand persons, of which four hundred were priests, obtained their liberty (Neal ii. 115, edit. 1822; Ellis, Orig. Letters, iii. 128). In 1614, there were in custody, only in the three metropolitan prisons of Newgate, the Clink, and the Gatehouse, no less than thirty-six priests, forty-seven laymen, and seven women; making a total of ninety individuals confined for their religion. Recusants' Papers, No. 254, MS. in the State Paper Office.—*T.*]

1618.

William Southerne, . . executed at Newcastle-on-Tyne, April 30.

*Total*, 13.

*Regulars.*

George Gervase, O.S.B., . . . Tyburn, April 11, 1608.
Thomas Garnet, S.J., . . . . Tyburn, June 23, 1608.
John Roberts, O.S.B., . . . . Tyburn, December 10, 1610.
William Scot, O.S.B., . . . . Tyburn, May 30, 1612.

*Total* 4.

*Laymen.*

Robert Grissold, . . . . Warwick, July 16, 1604.
Lawrence Bailey, . . . . Lancaster, Sept. 16, 1604.
Thomas Welbourne, John Fulthering, . . . . . York, August 1, 1605.
William Brown, . . . . . Rippon, September 15, 1605.
John Mawson, . . . . . Tyburn, 1612.
Roger Wrenno, . . . . . Lancaster, March 18, 1616.

*Total*, 7.

Total of executions here recorded, 24.

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*Supplementary Note.*

[There is a mistake in page 3 of the present volume, which I will avail myself of this open space to correct. Relying on the authority of Birch, I have there (note 3) repeated the statement made by Dodd in the text, and have represented Hudson, the agent of James, as the person on whom the mastership of St. Cross was conferred. Among the Egerton Papers, however, lately published by the Camden Society, we have the original warrant, ordering the chancellor to make out the appointment; and from that document it appears that the individual, for whom the claims of Brooke were set aside, was Arthur Lake, a clergyman, afterwards bishop of Bath and Wells. Egerton Papers, 370.—*T.*]

# APPENDIX.

[The papers marked with asterisks (**) were not printed in the former edition of this work.]

## No. I.—(*Referred to at page* 6.)

### *** *Copley's Declaration to the Lords of the Council.*

[Original, in Copley's hand, in the State Paper Office.]

THE free and voluntary declaration of me, Anthony Copley, written with my own hand, the 14th of July, 1603.

Mr. Watson being returned from the king, brought us all discomforts, affirming that, besides the disgusts which his majesty gave him in terms to himself, touching our suit, a certain nobleman, then near unto his majesty, should afterward tell him how that, anon after his departure from the king, the king, turning to him and others, should, in reference to the news that protestants had so generally received and proclaimed him king of England, use these terms, "Na, na, gud fayth, wee's not neede the papists now!" Such then his majesty's disposition being manifested to catholics by Mr. Watson, we generally began to tax his majesty of ingratitude, knowing our loves to him in her late majesty's days, and how heartily we affected his succession to the crown, both in regard of his rightful title thereunto (which Mr. Watson very exactly defined against all others, pretenders, by his book, which his majesty hath seen), and also for the reverend love we generally bore unto that most catholic queen, his mother, and thirdly in contradiction to Spanish faction on his behalf; all which was well known to his majesty. To this our opinion of his ingratitude to us, hath sorted his carriage since to his said saintly mother, of whose death and the manner of it we do not see that his majesty hath yet seemed to have any feeling, but rather (as it is generally said) hath given in express terms his approbation thereof; whereby we infer that much less will his majesty right our woes. Add hereunto his giving, since his coming into this realm, extraordinary grace and place to some persons formerly suspect of Spanish faction against his highness, and his disgracing their opponents, and, lastly, his accepting the £20 a month. Then, as for her majesty's disposition to our cause, although, in regard that her religion is Lutheran, and not Calvinian, we might expect her grace

the rather, yet neither hath her highness satisfied such our expectations; the same having (as we are credibly informed), at her being at York, entertained into her grace's chapel a notable puritan preacher, endowing him with £200 a year.

Upon these grounds, then, our discontents increasing daily more and more, in the end Mr. Watson, with a choice number of his brethren, and some special lay-catholics amongst them, advising that, inasmuch as his majesty is not as yet our crowned and anointed sovereign, whereby, the body of the realm depending but on a potential head, each grieved member thereof abides in his own power to right itself as it may in the mean time, did hereupon consult upon our case, and in the end rise up with this rest, viz., that a form of an oath should be drawn, and tendered to the catholics of their party, concerning some action to be enterprised, before the king's coronation, for the good of our cause; and therein to be contained a clause for secresy, and that for two reasons; the one for caution against discovery thereof to the state, the other against the jesuit party, which we were certainly informed was likewise distasted with the king, and had their course for the common cause in design, and that in caution against us. Our party being then resolved to do somewhat, it was for the present only advised to decipher, by virtue of the oath aforesaid, what trumps we could deal unto ourselves before we proceeded to the game:[1] and, for the better drawing on of associates of the best sort, and of the timorous, it was to be intimated by the tenderers of this oath, that the business was no more than to present unto his majesty, when and where he might be found at most convenient leisure, as at a hunting, by the hands and *viva vox* of some eighty or a hundred of the chiefest, a supplication to this effect: First, signifying unto his highness that these suppliants are a choice number of those catholics, who ever stood in our late queen's days for his majesty's succession to the crown, against all whatsoever other pretenders, and, namely, against the Spanish faction; putting him in mind of Mr. Watson's book touching the same: secondly, to beseech his highness to be pleased to afford us, if not a toleration of our religion, for his virtuous and catholic mother's sake, who no doubt would therein [think] her death well avenged by his highness, at least an assuage of our grievances: and lastly, a conclusion with offer to be employed, lives and goods, in his majesty's service, whereby to manifest our loyalties unto him, if through mighty misin-

[1] [Mr. Jardine, citing part of this passage, supposes it to have been the object of the conspirators to determine what *offices* they should secure for themselves. It is evident, however, that the "trumps" to be "deciphered by virtue of the oath,', were the *persons* whom they might safely admit to their confederacy.—*T*.]

formers he rested doubtful thereof. Now, what catholic might not take this oath, and be seen in this matter? I, for my part, coming up to London, about the 13th of June, and finding Mr. Watson at his chamber at Westminster, he there took me along with him towards Tothill Fields, where, on the bank near unto the Horse Ferry, he imparted that oath unto me, and, in the end, tendered it me to take; affirming that sundry had taken it afore me, and none, he thought, would refuse it. Whereupon I read it advisedly, and took it without scruple. Now, after I had so done, then proceeded he further with me, acknowledging my particular and approved affection to him and the brethren of his party, according as heretofore I had shown it by my writings on their side against the jesuit faction, while those broils depended; commending withal the catholic cause unto me, now especially that God hath seemed to suit a season unto us wherein to do it right, that is, the interim of a preterite and a future prince; concluding hereupon that, besides the intimated course by way of suit, as aforesaid, annexed unto that oath for the fearfuller and wealthier sort of catholics, there was a second intention for the activer and more mettled spirits, to be put in practice by virtue of that oath: not but that that first should have her course; but, if it failed, then instantly the other; which other he but gave me a glance of for that present, referring me to an ampler notice thereof at my next coming to town; "for that," quoth he, "the course is not yet but rough, and not thoroughly contrived." Well, whatsoever it were, I apprehended it catholic, and thereupon gave him my hand and catholic promise, to be seen therein as far as any man; and so we parted for that time; he wishing me to bring up with me out of the country, at my return, as many able and resolute men for action as I could, and what I wanted to make up to a good number, to be in London the sooner, to the end to better it there; limiting me to the 20th of June, at the farthest. To be short, I returned to London on Monday, the 20th aforesaid, where, on Tuesday morning betimes, coming to Mr. Watson's chamber, he, after kind compliment, told me how long he thought it till I were come, the business he last imparted unto me growing now to a head; affirming that he had received letters from sundry of his brethren out of the country full of good news, namely, of numbers that they had in their several shires gathered to bring up with them against the day; which day he told me was the twenty-third of June for them all, and London their rendezvous. Then demanded he of me what number I had gotten; whereto I answered, not one, for that I knew never a catholic near me of many a mile that were not jesuited. "Well, then," he replied, "bestir ye here in the city, for the time is short, and greatly sir Griffith Markham

desireth to confer with you about these matters." "Well," I answered, "appoint where and when, and I am for him." Then took Mr. Watson his cloak, and forth he went, desiring me to stay there till his return; which I did, till toward dinner time, at what time he returned, and forth to dinner we went together. After dinner, we returned again to his chamber, where we discoursed afresh of the action in hand; I, for my part, not knowing yet directly what it might be, save that Mr. Watson talked much of our displacing of privy-counsellors, cutting off of heads, and getting the broad seal into his hands: whereat I greatly marvelled, and held the discourse idle; I opposing my speech really against all bloodshed, the matter being (as he had possessed me) so merely for religion. Within a while, forth he went again, desiring me to stay for Griffith Markham, whom, he said, he supposed was come to town by this time, according to promise; he being departed London the Saturday sevennight afore, to go speak with the queen. But toward evening, Mr. Watson came in again, and told me that sir Griffith was not yet come, but hourly he looked for him, and his company with him; being sorry that he had made me lose all that day from doing any thing. Thus passed we away that evening and all our supper while, still in discourse of possessing the king's person, and displacing of counsellors, and he to have the broad seal. There I lay that night, in a next room to Mr. Watson; and the morrow, being Tuesday the twenty-first,[1] I went about my own business, doing nothing in Mr. Watson's, for that I yet understood no ground of it. That night, Mr. Watson brought one Kendall, a Cornish gentleman, home to supper to his chamber, to be acquainted with me, as he said; being one who had taken the oath for the action. What our discourse was, and how vain and variable, all that supper time, I blush to remember; being wholly of tumult, without head or foot. On Wednesday morning, Mr. Watson being gone abroad about this business, leaving me to go after, and to spend all that day in gathering of men, I, gathering out of his and Kendall's discourse that some action was instantly toward for the catholic cause, though as yet I could apprehend no certain form thereof, till I had spoken with sir Griffith Markham, determined with myself not to move any man in the matter, whereby to be seen in it, till I had spoken with the knight, who was expected in town that day without fail, according to an advertisement which Mr. Clarke had received thereof out of the country; but, being there alone in Mr. Watson's chamber, simply in my soul bethought myself thus; namely, that

[1] [There is an error throughout in the day. If what precedes is correct, this ought to be Wednesday, the twenty-second.—*T.*]

if the business were absolutely for God, as was pretended unto me, that it was fit (the same being to be desperate), first, before to go in it, to reconcile me to the main catholic body, which I held to be that reconciled to Mr. Archpriest by virtue of his holiness's late breve; for that out of unity there is no charity, according to St. Austin, and that therefore *Deus charitas* est, because He is *simplicissimum unum*, according to the apostle; without which charity, if I should give my flesh never so much to the fire for the name of Jesus, it will not avail me. In this spirit, then, I protest, I wrote the letter I did to Mr. Archpriest, and sent him therewith my two books, which purposely and in that mind I brought with me from home: wherein I cannot but much condemn my sister, that would thereby endanger me to the state; especially I acquainting her simply with the contents thereof, before the ensealing, and she seeming to allow of them, and see both it and the books safe sent to Mr. Archpriest. Thus passed I away this day, in doing no other thing touching this business, or rather rumour of a business, till late in the afternoon, that, returning home to Mr. Watson's lodging, anon after in came he, and asked me how I had sped. I answered, "Well," and no more. Then he up and told me that the five thousand, which one of his brethren had promised him out of Lancashire, was come to nothing; and how that the jesuits had exceedingly crossed them in those parts, and so likewise in Wales, "Where notwithstanding," he said, "if the action might be in place, thousands would be up and in it; but to draw numbers up to London his advisers gave him little likelihood." About this hour it was that sir Griffith Markham, being come to town, came to Mr. Watson's lodging, where Mr. Watson brought the knight and me acquainted, in a garden by; who, after taking notice of my oath, descended into the particulars of the action, and it sounded to this effect:—First, that it was really for the catholic cause, though, by the way, he very much expressed unto me his discontents for particular disgusts, given him in court since the time of this new king. Greatly I was glad to apprehend the ground of the business to be so good, and so the willinglier I hearkened to the rest, which was, that, according to the numbers of our expected men, so the execution to be ordered, whether to take the possession of the king, and what of the nobility we might with him, by day or by night. My opinion touching this point was, if our number were small, by day; if more, by night; and I gave my reasons for it, which were here too tedious to set down.[1] I discoursed further with the knight how, if that

[1] [On the following day, however (July 15), he thus supplied what is here omitted:—"The surprise being projected to be at Greenwich, if by day, my

were the drift of the action, I durst myself be one of the thirty resolute men, that would take his majesty from five hundred, and place him in sure guard; and I told him how, and so had Mr. Watson likewise before me from me, as I perceived by him: but he apprehended not that. Then fell we into consult how to surprise the Tower, as in consequent that if

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opinion was that a hundred men might achieve it thus:—two gentlemen, and no more, to attend within the lobby-room; ten or twelve in the presence; twenty or more in the guard-room; and between each of the stations a sentinel. Then for the council-chamber, two feigned suitors within; two at the door without; fifteen or twenty near thereabout, and the remnant of these two thus disposed numbers, being forty, to walk distractedly, some in the court and some in the hall (places least suspect), there to attend their sentinel's signs for their several accurrence, which was to be ordered to each person distinctly aforehand, for the more expedite and infallible performance. (This action to be enterprised upon some solemn day in court, that our number may be less descried.) The numbers thus disposed, and places taken, first the two in the lobby, at the next opening of the privy-chamber door, to rush in and possess the door at an instant; driving in some peck, or doing it some other impediment from shutting; which shall not greatly need, by reason that the twelve in the presence shall instantly recur by means of the sentinel, and so likewise the twenty in the guards' room by *their* sentinel; they, by the way, catching the guards' halberds resting there against the wall unguarded, and running, part in to second the first, part to command the guards' chamber door for those without to come in by sign from their sentinel, and thus the royal person, together with what nobility with him at that present, to [be] surprised at an instant, and visited as with a flash of lightning without any thunder or clap at all: and so, in like manner, the body of the council at their table, in form, as you see, for that; provided that, by intercourse of signs, both these services should be effected at a jump. Thus, if by day: but Sir Griffin liked better of the night; as thus:—

"Our number to be four hundred, at least; the same to be drawn to a head at Greenwich dispersedly, for fear of discovery, all the evening afore; but most part by water within night, with their furniture of shot and Irish targets (if they might be gotten) to be conveyed in chests to the place, either therewith or aforehand. Then, when the court gate should be shut, and the watch set, and every body in court either in or toward bed, each muniment passage to be possessed by a competent number; which passages Sir Griffin described to me by his pen to be in all some thirteen without, and within some seven or eight material, and no more. The outer passages thus possessed in all stillness, some friend or two or three of the action, especially acquaintances of the porter, to be shuffled into the court the evening afore, and by a sign, either of fire or a horn from without, to get the porter, by some seeming pretence or other, or by making him drunk, to open them the gate; or, if not, to knock him down, and, taking the key from him, to open it themselves, and so to let in the first four at hand, and they the next, and so the rest; whereby the gate once possessed, all the action may freely succeed; admitting in no more numbers than may be competent to master all opposition: the rest to abide upon their several charges without, as, namely, some to command the town, if it should rise in rescue (freeing by the way some house or two in the heart of it, to keep it occupied so); some to command the water, that no news may go to London, especially to the Tower; and so likewise the land passages. Further, he ordered it principally requisite to possess [ourselves] of the king's qwerrie (*stable*) there, so as, by the use of those horses and what others we might find of service in the town, the better to command the field, the next day."—Original in the State Paper Office.—*T.*]

we have a gem, to have also a mould to set it in. Of this we made no great difficulty, but concluded a two or three ways how it might be done.[1] All this while, there passed not a word of bloodshed betwixt us, other than of what might [fall] in the instant action through opposition, neither yet a word of any particular use of this action, being once achieved, other than general terms of the common cause. And in this discourse we passed away, I think, an hour, and so parted, referring matters to a second meeting. By this, it was supper time, and Mr. Watson and I supped together, as I remember; where, at supper time, the sum of my discourse unto him was, that, in no case, the business, being so mere religious, was to be carried in blood, and also for that it argued cowardice, which is so common an imputation of the protestant upon us generally, for the particular cruelty of the Spanish nation. I discoursed further how blessed our case and cause were, after these forty-five years of affliction, if, by possessing the royal person, we could thereby possess us of the principal forts in the realm, wherein to keep our yearly hostages for the free use of our religion, and be equal throughout the realm in all manner of offices with the protestant; concluding how little we might doubt, in time, by so good speed, to make both the realms in this island catholic. In these discourses, Mr. Watson seemed to intimate as though the king should be deposed, and another advanced in his throne, who, by so great an obligation from catholics, would, he and his line, abide firm catholics to the lives' end.[2] I instantly opposed hereunto, upon this ground, that,

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[1] [In the paper from which the preceding note is extracted, Copley thus continues his account:—" His majesty, the nobility, and council thus possessed, it was then ordered, or rather but discoursed fit, that some good number of our tallest men should clap upon their backs the guards' coats, and so strongly to bring the king and all away with us by water to the Tower, pretending to Mr. Lieutenant, or rather the king himself so pretending for us, that, imminent treason being toward his person and the state, he and it was come thither for their defence. The knight supposed that Mr. Lieutenant, seeing the king and council there in place, and the guards attendant in their coats, would suppose all this sincere, and so give us entrance; which done, our feigned guard to possess the gate and let in our ambush, ready forelaid at hand, part upon the water, and part on the Tower wharf, and in fittest places thereabouts" (Original in the State Paper Office). Two other plans are also described. According to each, one or more of the confederates was previously to have gained admission to the Tower, and, at a given signal, to have knocked down the warders, and opened the gates.— *T.*]

[2] [In his answers to four questions proposed to him by the council on the first of August, Copley not only qualifies this charge against Watson, but also supplies a curious evidence of the absurdities with which he and his companions could entertain themselves:—" Then fell we," he says, " to discourse how to set our carriage towards his majesty, while he should be in our power: but hereupon we insisted not, *as awarding that it ought to be such as to our rightful*

by cutting off of the king, we should impair the dignity of the crown by dismembering Scotland again from England; we should draw on the Dane, together with Scotland and the Duchy of Brunswick, in arms upon us; which, were there no more hazard in it than it alone (as still from Spain, and perhaps some new rebellion in Ireland), were more than England alone could bear: whereas now, in this conjunction of crowns, and alliance of Denmark and Brunswick withal, we are the mightiest people without comparison in Christendom, and such as Spain and all Christendom may fear.

Thus passed we away that evening till it was late, at what time Mr. Watson went to his new lodging within Temple Bar, leaving me there. The next day, being Thursday the twenty-third, it was, that, as I went toward sir Griffith Markham's lodging in the Strand, I met with Reginald Bie, whom, I confess, I boarded with the question by him suggested against me, meaning, indeed, had I verily thought him catholic (which I doubted, for all his so seeming to me beforetimes), to

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*sovereign lord and king as yet uncrowned;* and so he to abide with us no longer than it should please himself, that is, than until his highness had condescended to our demands; but, as for the noblemen and the lords of the council, to put some buzzes of fear into their heads, for their speedier hastening his majesty thereunto. Here, at this passage, I remembered Mr. Watson that, in regard the king should be now at good leisure, to have proposed unto his majesty, for his satisfaction (if so it might please God) in the truth of catholic religion, that these three courses, viz., disputation, exorcism of some possessed person by either party, and lastly, if neither of these two could resolve his majesty, then the *Duellum* for trial. Touching the first, he thought his majesty would be pleased: then, for the second, I put him in mind of a certain gentleman notably possessed at that instant in Wales:—he to be sent up. But hereto Mr. Watson answered, as I remember, that how if the king be of judge Manhood's opinion, who held all those visitations of God but fictions; or if he believed them true, yet that perhaps his majesty, either as condemning the exorcism of the catholic church for witchcraft or conjuration, or else as misdoubting the protestant ministers' power, able to urge that office and honour with our priest, whether it be from God or the devil, would not admit hereof. To the third he asked, who, amongst us catholics, would be that gallant Maccabee for the cause, if his majesty would be so pleased? I hereto answered,—'Doubt ye not, sir, enough: or, if all failed, rather than so fair a ball should fall to the ground, I myself would be the man, provided it might be without scandal to the catholic church, upon the canon of the council of Trent to the contrary of all *duellums*, and I to choose the weapon: not doubting but my wife, who, by the sacrament of matrimony, is individually interested in my person, would (she being a catholic, and the cause so much God's) quit, at my request, such her interest for the time: and also much less doubting but to find, amongst the host of heaven, that blessed queen, his majesty's mother, at my elbow in that hour. Thus Mr. Watson and I falling often in communication of these matters, as his leisure permitted him, at another time of that day we met, and closed upon this subject,—whether, if the king would not grant our propositions, it were our best (having him in our hold) to advance some other that would; he affirming that some there were that advised it so. *Howbeit, in very truth, Mr. Watson's own opinion never sounded directly so in my ear.*" Original in the State Paper Office.—*T.*]

have drawn him into the action; and this was truly all that passed touching that. Coming to sir Griffith's lodging, and being answered that he was asleep, I stayed not there, but went to Mr. Watson, with whom I appointed to meet at his other chamber in Westminster, about nine of the clock; whither I went afore, leaving him to come after, as determined to speak with sir Griffith Markham by the way, which he did: and so, keeping touch with me, he celebrated, being Corpus Christi day, and I received the Sacrament at his hand. From this time forward, grew I zealous in the action, and bethought me what catholics I might draw thereinto; howbeit, Mr. Watson was of opinion, in regard that the great numbers of catholics, which he expected, failed, that it skilled not whether we made use of protestants, or whatsoever malcontents. But the action being wholly catholic, as I apprehended it, I could not brook to borrow of the protestants for the accomplishment thereof; but insisted wholly upon catholics. While I was the most part of this afternoon in deliberation, bethinking me of sundry persons, and, namely, of the two Penkevells, brothers, who, I heard, drew back from the action, not caring greatly to do any thing that day, but to feriate in honour of the feast and of the sacrament which I had received, in the end, toward evening, I called in again to sir Griffith's lodging, who showed me a note from Mr. Watson unto him, advertising that he was certified of certainty, how that there were warrants out from the council for him and some others of the action,[1] and therefore craved pardon for his failing to meet him and that other honourable gentleman, his friend, according to appointment. Hereupon sir Griffith requested me, of all love, to enquire after Mr. Watson, and learn what was become of him. So, going first to Westminster, to take away some writings of my own, which I had left at his lodging there, meaning to remove me from thence, I found walking in the broad court, on the back side of the Parliament House, three or four men, whereof one I knew by sight, and he me; who demanded of me where he might find Mr. Watson, affirming that he and those his fellows, with certain others in the city, were new come out of the country to speak with him, and at his lodging he was not. Thereto I could make no other answer than that they were welcome; directing them to his other lodging within Temple Bar, whither myself, having taken away my writings from this place, followed them anon after, by water: and there I found Mr. Watson newly laid down in bed; whereof I was right glad, and thereof did sir

[1] [From Copley's answers, of the first of August, it appears that this report was false, and that it was spread by one of the parties to the plot, named Conisby. Original in the State Paper Office.—*T.*]

Griffith present news, who, I suppose, slept the sounder that night for it.

Here, by the way, I had almost omitted how that one time of this day, as I remember, it was, that I went a second time to my sister Gage (as she hath informed against me), with whom, I confess, I expostulated the just and general discontents of catholics against the king; laying great blame on the jesuit party for her remissness in the common cause, and withal intimating, as she hath informed against me, some instant action of our party; but most of all wishing their concurrence in some course with us, they having the greater number of catholics on their side, and the far greater purse for the accomplishment of any good business. I told her what I had heard of their instant great gatherings of money in the country, and what I feared Spanish therein; and so, praising my own party of catholics, and, in general terms, the business we had in hand, whereof she seemed to take [no?] notice to me, I left her, till the Saturday following.

I had almost also omitted here, that Mr. Watson and I dined, this present day, with sir Griffith at his lodging, to whom Mr. Watson reported what men were come up, and whom he expected more that day, it being the prescript and punctual day for the farthest comers. Our conference there was but brief, and the brief of it was this,—that we should bestir us on all hands, "for that," quoth sir Griffith, "I am advertised from court of the king's remove to-morrow toward Windsor; and appoints to lie to-morrow night at Hanworth, where, seeing he hath so given us the slip at Greenwich, we doubt not but we may, both with the less blood and fewer men, effect our desires." He added that the house was weak, and of small receipt, and withal, perhaps, not strongly guarded, unless he break off custom, in those his cursory pitches. He advised what noblemen we might find there with the king, whether Northumberland, Southampton, and Mountjoy, whom, for being commanders in arms, he chiefly levelled at, in all his designs, not to cut them off, but to see them safe. Lastly, his opinion was, and thereunto we assented, that, on Saturday morning about break of the day, when his majesty and the court might be most at rest, we, with our number, suddenly to rush in, and bid his majesty good morrow. Upon this rest of sir Griffith's, I incidentally put him in mind of arms and furniture for the action, what opposition so ever might happen; delivering, that I thought it fit a chestful or two of ready charged pieces, with some bags of powder and shot, to be conveyed by water to Hanworth afore, that our men, coming thither, might have their tackling in readiness, and thereby also to avoid the suspicion of every man's bringing his furniture with him. Hereto he

answered,—"Every man his pistol or case of pistols, with their ordinary weapons, will serve the turn, for any great opposition is likely to be made, after we are once entered the house; which must be first by knocking at the gate, so as I will contrive that; and then knocking down the porter, or otherwise taking him along with us to bring us to the king, and so to the noblemen's chambers." I replied, "But where, sir, are those 'every one his pistol or case of pistols' you speak of; not any being armed, nor order taken for it, that I can hear?" He answered nothing hereunto; and so this project brake off abruptly, the knight having some other design in his head, concerning which he put us over till Saturday, at two of the clock in the afternoon. And the truth is, that God [would have] frustrated this project, had it gone on; the king, as we heard, going through to Windsor that night, and but only dined at Hanworth.

To return now where I brake off:—I lay this night with Mr. Watson, at his lodging within Temple Bar, with whom the most part of my conference was, why sir Griffith would pretermit the action at Hanworth, assuring me (him?) that the like said opportunity could not happen again, we having men enough too, methought, already at hand, for the execution thereof. But we broke off this discourse herewith, "that the knight," quoth Mr. Watson, "hath a further project than may yet be known, whereof did he not tell us this afternoon, that to-morrow, by two of the clock, we should know the event?" Then fell we into discourse of the king's coronation; he telling me for news, that there was a certain Irish catholic bishop, found out by chance, who would anoint the king. Then fell we to talk of the lady Arabella, and of her erection to the crown; whereto I gainsaid, both in regard of her void title, and also her religion, as oftentimes before I had done; and so we fell asleep.

About break of day, Mr. Watson rose, and went to sir Griffith Markham, requesting me to abide in his chamber, to stay and entertain such gentlemen and comers as he expected in great numbers that day, promising to quit me of that office by eight of the clock, at the farthest. The first that came was one captain Vaughan, brother to sir — Vaughan, of Wales, one who, I understood before by Mr. Watson, was engaged in the oath and action. After him, came sundry others whom I knew not, seeming gentlemen, for the most part, and of good talent, whereof some went and came: and, as I went down the stairs, I might see the hall below full, and many tall men standing at the street door; which sight, I confess, I liked well, supposing it might redound to action. Howbeit, myself moved not as yet any man, nor would I, till I might yet see more likelihood thereof: for, as yet, all Mr. Watson's

advices out of the country tended to discouragement; and sir Griffith, as I perceived by Mr. Watson, had not as yet thoroughly beaten his great bush. This was a busy day with Mr. Watson, so as I lost the sight of him the most part thereof, save that, once in the afternoon, we met at sir Griffith's lodging, where I remember no matter of project spoken of, only, of the king's exercise and diet was the most part of our discourse, wherein, or rather the day before at dinner time, I know not whether, sir Griffith made good game at my lord admiral, for being a huntsman so fit to the king's humour; affirming that now the hunter's note is the highest in court, and he, that can challenge reward for his good services in the wars, the least heard or regarded. He also then, or at another time, to my questioning him of the king's person, said that, in sooth, he had a face that promised nothing, and, as for his manner of drinking, he delivered it to be very unbeseeming.[1] He also with us, and we with him, at this time, taxed the king of irreligion, for removing from Greenwich on so high a day as midsummer day: and thus, with some discourse of his present pique with the earl of Rutland and a man of his that was slain in their quarrels, we parted for that time; I yet not going about to move any for the action, first, because I would not draw any friend of mine into hazard, before it came to the jump; secondly, for that they were not far to seek if need were; thirdly, and chiefly, because I saw much unlikelihood of the good speed of the action, both by reason of the king's residence at Windsor, the hourly flinchers from us, and the few we were in all:—add hereunto the rumour of discovery, still more and more coming to our ears, and that [we] were already as good as undone.

This night I lay again with Mr. Watson, who, the morrow betimes up, arose, leaving me in bed, requesting me to perform the like office

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[1] [In Copley's answers of the first of August, the following declaration, in reference to this passage, occurs:—"Touching sir Griffith Markham, I must entreat your lordships to take this as a correction of my pen upon those words of his, concerning his majesty's favour and form of drinking, so impertinently set down in my former declaration; to wit, that he spake them not as of himself, but after some other body. The truth is, that, when the commissioners once saw that I was determined to disclose and die, they so plied me for the king, that they took the rhapsody of my pen in as good part as what, in their absence, I wrote more at leisure, without that, upon a second eye (which was my reading it over to them), they would permit me to put out this point, which I held so immaterial to the subject of my declaration, hazardous to the knight over and above the hazards he already went in, and uncivil in me to hurt my friend so sinisterly, whose life to redeem (considering his approved talents, both of advice and valour, to serve our king and country), truly and with my heart I speak it, I wish a hand of mine might be taken, and I put to beg my bread a year, all were I innocent, and not in the same predicament of condemnation with him." Original in the State Paper Office.—*T.*]

as I had done the day before, till his return; which I did. About seven of the clock, came in Mr. Clarke, whom I found exceedingly out of heart, for the cross success of his much pains and many miles ridden about this business; laying much blame on the jesuits therein, as whom, he protested, if his life should miscarry in the action (whereof he now seemed utterly to despair), he would charge with his blood another day. After him, came in divers persons more, whom I knew not, and, about ten of the clock, Mr. Watson with five or six gentlemen with him, all unknown to me, save only one Harris, a gentleman of Pembrokeshire, whom I questioned what number of men he had brought up with him; who told me that what those and what these that he could make in London would rise to some thirty; but those such, he presumed, as would not give ground to a hundred. He added that he expected that day his cousin Parry, with his number, whom, he said, he met and left on the way, coming after; much marvelling that he failed of his day. This Harris's reason why he failed of his promise to Mr. Watson, in not making good a greater number, was, that the jesuit party, in that part of Wales, had either gotten some inkling of the action, and so laboured to cross it, or else had some action of their own on foot, wherein to make use of the catholics there; concluding that nevertheless, if Mr. Watson would procure but the king's least warrant, were it but his bare word, he could, for all the jesuits' contradiction, bring up men enough, yea thousands. I smiled at so innocent a conclusion, gathering thereby that the honest young gentleman was made by Mr. Watson to believe that the king's person went in some jeopardy, and how all this action of ours was merely intended for his rescue. There was also, at this present, one Fludd, a gentleman who came in with Mr. Watson, and who, coming up to London, a few days afore, about his own private business, was drawn into this action by Mr. Watson, and had also his men ready. There came up likewise out of Wales, the night afore, one by the name of Mr. Knight, as I remember, who brought up men with him. One Captain Ormond was also motioned for this action, but, it seems, he either refused, or either his business drew him away into Ireland: he was a man greatly wished for, and well commended to Sir Griffith Markham.

About eleven of the clock this day, Mr. Watson gave Mr. Harris and me, and I think all the rest of the gentlemen their answers, namely, that they might break off, and return each to their home; affirming that he despaired of the action, and laying blame on all, that they had not complied with their promises for such numbers as was required: and so he and Mr. Harris went down together, leaving Mr. Clarke and me alone, who, hearing that Conisby flinched, and also suspecting, it

seems, Kendal of treachery, went, according to appointment, to dine with them, and persuade them at least from doing hurt, taking me along with him. When we were come to the Eagle and Child, in Holborn, where this Conisby lay and this dinner was appointed, at our entrance in at the house, Mr. Clarke stepped into the kitchen, and asked whether that dinner, there ready upon the dresser, was for their company? Answer was made that it was, and that Conisby and Kendall were walking in the fields there, on the back side; to whom we went; and Mr. Clarke sorting him with Conisby, and I me with Kendall, what their communication was I knew not, till afterward by Mr. Clarke; but ours was briefly thus:—He inquired of me the state of the action, and whether Mr. Watson had yet made an end of cutting off of heads; which we both agreed argued a coward's mind; I discoursing unto him the history of the emperor Heraclius, cruelly murdered by Phocas, and the emperor's words taxing a coward evermore of cruelty. Then, touching the state of the action, I answered that as yet there is no real matter concluded upon, for aught I could learn by Mr. Watson, neither would there, till two of the clock that day:—and thus we all walked in to dinner; but, by the way, Conisby first excused his breach of company, and so departed; the like instantly did Kendall, leaving us two to dine alone: but we would not stay, but went our way also, leaving the hostess a-chafing, who should pay for the dinner.

And so to dinner we came to sir Griffith Markham's lodging, where we found Mr. Watson, with two of the knight's brothers, ready to sit down.[1] After dinner, about two o'clock, in came sir Griffith; and Mr. Clarke, being then upon his departure, took his leave of the knight, and departed: so likewise the two young gentlemen went into London, leaving us three there all alone. Then sir Griffith, after some slight inquiry what hearts, what men, and receiving no satisfaction from Mr. Watson, who sighed and seemed *à la mort*, he up and told us what I have elsewhere delivered already of his dinner and conference that

[1] ["His brothers I only understood by Mr. Watson to be brought up by him, to stand by him, with some eight or ten more, in the execution of the action; for that he himself is lame of one hand, and they a couple of valiant young gentlemen. Now, whether sir Griffith might draw them up, upon express pretence of this our action, or some other action of revenge against the earl of Rutland or his followers, for the murder of a man of his by certain men of that earl's, some few days afore, in the country, I cannot say. Sure I am, and on my faith I protest it, that, at no time of my being in those gentlemen's company, could I gather from their mouth that they were for our action: but mostly, yea only, their business of coming up seemed to be, to follow an appeal for the death of their brother's aforesaid servant, and expressly were going about it to my lord chief justice, the last time that ever I saw them."—Copley's Answers, August 1, in the State Paper Office.—*T.*]

day with the lord Grey; to which declaration I here in this place refer me.[1] I, for my part, when I saw that all seemed now desperate, proposed sundry courses unto the knight, as then they came in my mind, how to save ourselves, as, namely, the surprising of the Tower, which I proved unto him we might do with a few men, and from it either make us a head of whatsoever sort of men would recur thither unto us (as, for the riches of it, I made no question but a number of malcontents would), or else to compound at least for our lives. But it boots me not to accuse and condemn myself, more than already I have done. Suffice it, therefore, that these were the propositions of a man, whose hopes were now driven to extremes; and, therefore, leaving them, it followed that Mr. Watson he first departed, giving me an inkling that morning as though he would for Ireland: and this was the last sight that ever I set on him. He being gone, I began to condemn, unto sir Griffith, Mr. Watson and his brethren for having carried this important business very imperfectly; insisting how much more suffi-

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[1] [The declaration here alluded to was made on the 12th of July, and is still preserved. I will subjoin it:—

"Upon examination what passed in our matter, on Saturday, the 25th of June, I confess that I and Mr. Watson dining at sir Griffith Markham's lodging in the Strand, that day with his two brothers, in his absence, he, returning home and finding us there, told Mr. Watson and me, being alone with him, that he came from dinner from my lord Grey, with whom he had communicated at least two hours; and his lordship's rest was this, that he would not join his party with ours in the action, for that, the same being catholic, he feared lest, if the success of it might be prosperous, we would overtop his party, yea, and cut it off, after having made use of it; 'as the like, ye may think, Griffith Markham,' quoth he, 'we, in the like case, would perhaps deal with you: and therefore take, on God's name, your own course by yourself, which I protest unto you I will not hinder, and leave us to ours;—so much I, as well as you, stand upon the jealousy and honour of my religion, as to have it safe and superior. But, to be plain and short with ye, I doubt not but ere long, the king taking the States' quarrel upon him, I shall get the command of some 2000 or 3000 men; and then will I and my party discover ourselves and our cause, and then (if in the mean time your party do lie idle) perhaps we may join. Till then, attend: for you know all things must have their opportunity.'—This, sir Griffith told us, was the sum and brief of his conference with my lord, having sundry times before this conferred with him about these matters; and so concluded that, if we will do anything to right our cause, we must trust wholly to ourselves for the present. And this was the main rest whereupon much part of our discovered affair depended, save that withal we expected what numbers we might presently have out of the country.

"In this relation, the knight discovered unto us how that Mr. George Brooke was turned clean from us to my lord Grey, awaiting his day; and likewise how one sir [Arthur] George stood upon the same terms. The lords Windsor, Chandos, and Dudley are discontented, and also in terms to be soon in action, especially catholic (as was thought) if any might occur, as Mr. Watson affirmed unto me.—ANTHONY COPLEY."—Original, in the State Paper Office: "Criminal Papers, 1603."—*T.*]

ciently the jesuit party would have carried the like; concluding that we both, for our parts, had therein undone ourselves, not only in our lives and fortunes to the state, but also in our reputations to so great a party of catholics as that of the jesuits is in this realm, without likelihood that it will ever admit of our reconciliations hereafter, at least so as to esteem of us, or use us in any honourable action of theirs. "Let's see that," answered sir Griffith, "if you have any possible means for it. The truth is," quoth he, "there's no catholic living, that hath deserved worse at their hands than I have done; having extremely persecuted them with my tongue in all places: and, as for you, I know it well." "Well, sir Griffith," answered I, "the truth is, I have already offered my reconciliation unto them, and, by the same means, if you will, I will make way for yours." With that, I drew out of my pocket the copy of my letter to Mr. Archpriest, which I then had; and he allowed both of it, and of this the like advised course for himself. The conclusion, therefore, was his entreaty, that I would take the pains to be presently seen in this case fully for us both; wishing me to propose unto Mr. Archpriest, first, our notice of his holiness's breve touching general reconciliation, and then, to offer unto him (namely, as much as in us lay) all our party now instantly on foot for action; the same to be united and employed to and with his, if any action it hath in design, for the common cause. "Upon these honourable terms, it may be," quoth the knight, "that we may make our peace to our reputation, especially if they have no inkling of our foil; for fear whereof, you must about it with all speed. Begone, as ye love me." This word passed not so fast from his tongue, as my foot went fast about it; so as I presently came to my sister Gage, to have spoken with her husband about it, but it would not be: but, on the other side, she gave me the repulse from her door, with tears in her eyes, and these terms from her mouth, namely, that in no case I must stay there, but away and shift for myself, for as much as her husband had warrant from my lord admiral and my lord of London to attach me, if I came in his way, and she herself the like;—and so she shut the door upon me, and would not hear me speak. With that, I returned sorrowfully, as I had cause, to sir Griffith, to recount unto him what had passed; tearing, by the way in the fields, the copy of my letter to Mr. Archpriest, for fear lest it might be taken about me. The knight took this dolefully, and presently advised how to shuffle away Mr. Watson and Mr. Clarke; praying me, if I chanced to see them, to bid them in any case be gone. And then I took my leave of sir Griffith and of London, going presently home to my house in the country, there to abide the worst of fortunes, or rather the grace and mercy of king James.

After three days I had been at home, I received a letter from Mr. Watson, advertising me that, after his being at Windsor, he would come to me, willing me, in the meantime, to be of good cheer, for that there was yet life in our case: but this life I could not apprehend, supposing that it could not proceed from any of the catholic parties.

Much meeting used to be, about these actions, at my lady Burrough her house, at Whitehall, by Mr. Watson and the Knights, especially Mr. George Brooke and him: I guess it fit for the state to bear a good eye over it. ANTHONY COPLEY.

This relation of twelve sides of paper, written all with Anthony Copley's hand, he acknowledged before us, this 14th of July, 1603.

| | | | |
|---|---|---|---|
| (signed) | Ric. London. | (signed) | John Peyton. |
| (signed) | Jo. Croke. | (signed) | W. Waad. |
| (signed) | Tho. Fleming. | | |

This declaration containing twelve sides of paper was acknowledged before us the 15th of July, 1603.

| | | | |
|---|---|---|---|
| (signed) | Gilb. Shrewsbury. | (signed) | Ro. Cecyll. |
| (signed) | Mar. | (signed) | Mountjoy. |
| (signed) | T. Howard. | (signed) | E. Wotton. |
| (signed) | T. Howard. | | |

*** *Watson to the Lords of the Council. August* 9, 1603.[2]

[Original in the State Paper Office.]

Right Honourable and my most respected Lords,

Although unknown unto you all by sight, unless my ever honourable friend, sir George Home, lord treasurer of Scotland, yet too too evil known by name to you and all the world, through means of a late proclamation come out against me (most wrongfully, as God and his angels, yea, and even my greatest enemies that falsely have suggested thus against me, shall witness), I have hereupon (being apprehended upon suspicion by

[1] ["Being demanded what moved him to write to Copley, after he had been at Windsor, at the court there, 'that there was yet life in the action,' saith that he did it only to please Copley withal; there being no such matter to his knowledge." Watson's Examination, August 13. Original in the State Paper Office.—*T.*]

[2] [This paper, which is without any original date, is endorsed by a later hand, August 10, 1603. The declaration, which follows, is also endorsed in the same manner, and with the same date: but, if the latter be correct, the present letter must have been written at least as early as the ninth, since the declaration refers to it. See post.—*T.*]

this bearer, Mr. Henry Vaughan, Esq. and justice of peace and quorum), made choice of your honours before all other, in this my prison, to address the ensuing discovery unto, with the accusation of the guilty, and clearing of the innocent; as also a letter to be delivered by you unto his majesty: nothing doubting but that, out of your own honourable dispositions, and for that special loyalty I ever conceited to be in you all, and every of you, to his majesty, you will procure a speedy despatch for me, either to be employed in his majesty's service here or elsewhere, or, if, for mine unworthiness, I be rejected, that at least, for my loyalty and known poor good will to have always used all possible diligence, agreeing to my *posse*, on his majesty's behalf, you will vouchsafe me that honourable favour, as to procure a present extent of the king's most ample and gracious pardon towards me thus far, as that I may spend the residue of my wretched days in exile and banishment out from my native country for evermore: which though mine own conscience assures me that I never deserved so sharp a censure, yet finding iniquity to have prevailed so far, as even his majesty's known enemies can conspire his death, and utter extirpation of his royal issue, and, without all fear or blushing (like the devil himself) lay their treasons and treacheries to my charge, and thereupon procure either my death, or a worse matter (which is torture, famine, and pining imprisonment), notwithstanding that I dare speak a great word, and am known to many thousands to speak true, that never any was or is more loyal to his majesty than I am and have been; never any that hazarded their lives more willingly, nor further, for his sake (as being imprisoned, having all I had taken from me, and hardly escaping with my life out of prison, in queen Elizabeth's days, only upon a like calumny to this, of treason, which they then informed some great persons in authority of,—as, that I went about to bring in the lord Dacre out of Scotland, with thirty thousand men, to invade this land); neither was there ever any that spoke or writ more resolutely and boldly on his majesty's behalf than I did, that time, as the first and only one of my coat and profession that broke the ice against Persons' book of Succession, and against all the rest of the jesuits and Spanish faction, concerning the lady infanta's title to the crown of England, and, in conclusion, broke their necks thereby; and by prosecuting his majesty's cause and title so eagerly, where I durst, that the former settled conceit of the Spanish title was generally exploded by all, unless where the jesuits and their faction lay. Many, not only catholics, but even also those noted and known to be protestants, and reported some to be puritans, yet did take notice of my poor endeavours on his majesty's behalf therein, as one whom they acknowledged, in their opinion, had deserved more at my sovereign's hands than ever I expect or can desire.

But to the purpose:—Although I wish for either violent or civil death (which is banishment), rather than to die of famine and pining imprisonment, by the jesuits' and others of mine enemies' procurement, yet, not doubting of justice, and withal hoping of extraordinary favour and mercy at his majesty's hands, by your honours' procurement, I will set down here in brief the original cause of this slandering and appeaching of me and others with treason, &c., and who the traitors are indeed, and what witnesses I have of it, and what I have done myself, and how far gone therein; referring the rest to his majesty's sacred wisdom and your honourable censure, to judge of all aright.

After my last being with his majesty in Scotland, reporting to my lord Dacre, and some other of his honourable friends then at Dumfries, what a gracious and comfortable answer I had received at his hands, on the behalf of all catholics known to be his loyal subjects, I returned thence presently into England, longing much to drive all doubtful conceits and dangerous attempts, tending to disloyalty, out of all English, but especially all catholic, hearts. And first of all, meeting with one of my company in the north, being asked what hope there was of the king concerning catholics, I answered, very good; and that his majesty did bid me tell my friends, the catholics in England, that himself was neither heretic, as Persons and other jesuits had blazed him to be, neither would he afflict them as they had been; and therefore wished them by me not to be afraid, &c. Then he replied, and asked what assurance catholics could have of any favour, unless the king would be catholic: for, as for my report, I had been always suspected to be too forward on the king's behalf, and rather in policy to draw all catholics to hope well, and to have a good conceit that the king would be either presently catholic, or at least proclaim liberty of conscience: by which temporizing, it was doubted by some that I had deceived many: but howsoever, the time serving now for it, and it standing catholics upon, either before the coronation or not at all, to procure to themselves quiet, and redemption from their former bondage and suppression in queen Elizabeth's days;—adding further, that undoubtedly the jesuits and archpriest, with his jesuitical assistants, would, upon the sudden and at time least looked for, so soon as ever they were prepared for it, send out excommunications against all that should take part against the Spaniard and his associates, &c.; and therefore he asked me what he should do in that case, and if it were not best for him to go warn all the catholics and schismatics in those two shires beforehand, to be in a readiness to resist, and not to accept of any such excommunication when it came, nor of such and such, which were like enough, in his judgment, to work underhand with persuading to acceptance of it, &c.

To this I answered that he should do well to warn them so, and withal, upon such an occasion, to exhort and prepare them beforehand to join all together under some catholic lord or captain of note, on the king's behalf, making religion and loyalty all one intent and action. And much talk we had to this effect; but this is the brief; wherewith I left him well satisfied: but yet so as, by reason of the general jealousy the jesuits had caused to be had of me, yea, even amongst some otherwise my dear friends, I was constrained, both with that party and divers others, as hereafter shall appear, sometimes to affirm by insinuation, on the king's behalf, as well in respect of religion as of the commonwealth, more than ever his majesty delivered unto me, and sometimes again to make shew of advancements to come unto them, and otherwhile to yield unto their humours in one thing, to draw them on in another thing to my wish and desire; imitating herein the jesuits' policies, in like cases, on the Spaniard's behalf.

After this, I departed towards the south, where on the way, at Doncaster, I met with a gentleman, an earnest prosecutor of his majesty's cause at all times, who, very glad of my return, to hear some news out of Scotland, told me, amongst other things, that a letter was newly intercepted, directed from one Poole, as he named himself, to the archduke's court, the contents whereof was, that 40,000 men were ready to rise in arms for restoring of religion, and bringing his grace aid to make a conquest of this land. What became of this letter I know not, or whether this discovery of the jesuits' intendments, or that other, which happened, of a prepared commotion in Worcester and Staffordshire, the discovery whereof was sent unto me into Scotland, to have exhibited to his majesty (as also sundry other letters came which I received not, because [I had] come thence before), or a third commotion prepared in Wales, and discovered also, and thereby infringed, or what other cause was of the jesuits' demur I know not; but, within two days after, I understood how sundry of them had been tampering with catholics in these quarters, to dissuade them from acceptance of the king's majesty; that they ought all rather to die than admit of any heretic (as they continually termed his majesty) to the crown; and that they might not, under pain of excommunication, accept of any but a catholic for their sovereign. This was hot for a while: but presently after these discoveries, finding catholics fearful and cold in acting their treacherous designments, they began to 'turn cat in the band,' and to cast about another way, as hereafter shall appear.

Amongst those jesuits, thus suddenly hot and cold, one, who calleth himself Darcy, having of long time been, together with Gerard, another jesuit, often tampering underhand, and by messages, with a worshipful

knight to have won him to *their* " Bye,"[1] to have stood for the lady infanta; promising great and many honourable advancements unto him, if he would, on the Spaniard's behalf. All which discourses from time to time, in queen Elizabeth's days, the said knight relating unto me at large, and withal how that he had discovered himself so far in dislike of their unnatural projects and affecting of our new sovereign's title, as he feared it would work his utter overthrow, by reason that he perceived, even then, how that her majesty and his former honourable friends, about her, estranged their grace and favours from him, and withal began to call his name in question; which he knew could not be but by some false-hearted jesuit's suggestions and means. To which I answered that he had done very evil to open himself so far in opposition unto them, knowing, as he did, their vile and treacherous minds to be such, as they will betray their own father and dearest friend they have in the world, for their own advantage, *et propter bonum publicum societatis,* which they count a public or common good, though a whole commonwealth, yea, and the whole catholic church, be overthrown thereby. But now, the only way was for him to insinuate himself by all means possible unto them, as, by way of an umpire, to make atonement betwixt them and us, and so should he get within them perforce, and lead them and their faction where he would, when time should come to do our now sovereign service: which time happening presently after, although he first, and another afterward, and lastly myself in my return out of Scotland, talked with, some one, some another, jesuit, and three of us at several times with the foresaid Darcy, to whom I alleged divers reasons, acknowledged by him to be good and sound, why there should be an atonement betwixt us, but in conclusion nothing was agreed upon, because they had such treasonable practices in hand, as they knew we would never join in with them:—and so the conferences betwixt some of ours and Gerard, Holtby, and Darcy, the jesuits, ended only in a breach.[2]

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[1] [In the original, " their buy." He seems to speak of this design of the jesuits as another "*Bye*" *plot*, in contradistinction to that in which he was himself engaged.—*T.*]

[2] [In confirmation of part of this statement, I will subjoin extracts from three letters, written, at the period referred to, by sir Griffin Markham and Darcy. The extracts are contained in an original information sent to the bishop of London, and now in the possession of the dean and chapter. It is scarcely necessary to add that the " worshipful knight," alluded to by Watson, was sir Griffin Markham.—*T.*]

*Markham to Mr. William Sutton.*

Sir,—Upon better consideration, I would somebody were sent after the doctor, if you think good: for those letters that were written to the king and yourself is not fit to go. Since we desire a league (Mr. Gerard being named in them), God grant that name of *league* prove holy and effectual. They stayed to meet me, at a place appointed, till sun was set, &c. Yours most assured, GRIFFIN MARKHAM.

Some fortnight after (which was at Easter last), coming up to London, I there fell in talk with an honourable gentleman, and my very friend, that came to welcome me home out of Scotland, and to know what news;—because, as he said, he had sent unto me by three sundry persons, a lord, a knight, and an esquire, none of which could hear of me, notwithstanding that he had received a most gracious letter from his majesty, whereby he understood I had been in presence. I told him I had: and using the like speech, as I had done to all others, of his gracious speech unto me, how wise, merciful, and just a prince we had, void of all vices or other moral faults, unless such as proceed of too flexible and sweet a princely nature, which could be no fault in a prince, save only where evil counsellors were about him, who doubtless might endanger him, by too much lenity to some, by too great severity to others, and by too extraordinary partiality to others again, at their counsel's persuasion. But, in few, I told him how sir George Home, lord treasurer of Scotland, told me at my coming away, how his majesty liked well of my message and speech, and bid me come again, when any occasion should be offered. "That was well," quoth this noble gentleman, "and [I] think you shall have occasion very shortly to do his majesty service, if, in the mean time, you have any acquaintance yourself, or know of any such friend of yours, that is thoroughly acquainted with a serjeant-at-law, who can tell you matters worth the knowing and revealing, in time of need: for since queen Elizabeth's death, and the proclaiming of our sovereign, king James, there hath been a meeting of sundry noblemen, that have had private conference, and,

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*Darcy to Watson, April* 9, 1603.—"*For meeting Mr. Gerard.*"

Sir,—I have done my best endeavours to accomplish your desire of meeting my friend, and have, by good hap, found him in the country, &c. I am very desirous that you should meet. If you come not this day, his business is so urgent that he can defer no longer. 9th of April.

DARCYE.

*Darcy to* ———. *April* 22, 1603.

Whereas you sent me word by this bearer that you desired me and my brethren to set forward the union, &c.; first, for myself, I sent you word how that, for matter of union, it had been a thing which I had agreed fully with Mr. Sutton to set it forward: and for that end, I took presently my journey, and did effectually persuade my brother to take pains to meet Mr. Sutton at N., which he was resolved to have done: but a letter from your son to the contrary coming here before the man's taking horse (which should have gone before), both he and I rode presently fifteen or sixteen mile, to meet your eldest son, who signified in the letter Mr. Sutton's sickness, and his own desire that we would come and meet himself about that matter: where when we did not find him, I sent N. forward to N., to signify what we had done, and to know the cause of stay, &c. Well, we met, we conferred, &c. Thus in great haste I cease, this Good Friday. Yours assured,

DARCYE.

as I take it, already subscribed to the setting up of another prince, with the utter extirpation of our lawful king and rightful heir, together with all his royal issue. The party that told me this, whom you," quoth he, " do also know, doth not remember the noblemen's names, and dare not ask the serjeant again of them, lest he suspect he have some meaning to call him in question for it; and therefore must it be very warily handled:"—but afterward understanding, by report of some, that the serjeant was suspected to be jesuited, I could not devise the means to come in with him myself, nor any other whom I might trust in so weighty an affair.

Shortly after, his majesty came to London, and, in tract of time, discontents began so to discover themselves, as none could tell whom to trust, or who was pleased. It were too tedious and impertinent to this matter, to recite all what I have heard of discontented minds, since his majesty's coming to the Charter House to this present hour. Amongst other things concerning myself, one[1] sent me word how that, if I would join with him, and withal make him of my council in my proceedings for those matters which he was to inform me of, he would pawn his life for it, that he could and would discover such treasons of two honourable persons of the privy-council to queen Elizabeth,[2] and two of the greatest enemies I had in the world, and all for king James's sake, as I would admire how ever such great men should so eagerly seek my destruction: and that, since the time I first began to defend the king's title in writing, against the jesuits and Spanish faction, I walked in a mist, as all the rest of the secular priests appellants did, who were traduced by those noblemen, whom we took to have stood wholly for us against the jesuits and Spanish faction, whereas indeed it was quite contrary, as he said; adding further, that there was now, of late, a book published for the French title to the crown of England, and fathered upon the appellant priests, which, as I take it, he said himself had seen:[3] wishing me to live very warily, for there were no few watchful

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1 [Udall, who sent the message by a person named Benson. Watson's Examination, Aug. 18. Orig. in State Paper Office.—*T.*]

2 [Lord Cecil and sir John Stanhope, ibid.—*T.*]

3 [The following passage from Watson's examination of August 18, relates to this book, and to the message delivered by Benson:—" Udall affirmed also to Mr. Benson that he had seen a book out of late, for a French title to the crown of England, and wished me to inquire whether Mr. Bluet's hand were in it or not, or who else of the secular priests; for it was thought to be of their doing. I answered Mr. Benson that Mr. Bluet defied him, for his part:—marry, I feared much lest some other of the secular priests had their hands too deep therein. I cannot tell whether I gave Mr. Benson any reason for my fear or not; but my reasons were these:—First, for that long agone I heard some muttering speeches tending to such a matter: Secondly, I had it often cast in my

eyes over me. And, for his part, he confessed he had heretofore betrayed me, and brought my life in danger, for my faithful heart unto his majesty: but he was so urged unto it, as he had endangered his own, if I had not been then taken. But afterwards, hearing how, con-

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dish, that no one priest in England did favour the Scottish title so much as I did, and that I was worse thought of generally amongst catholics for it: Thirdly, something I gathered to that effect out of some letters, sent from Paris to me or some of our company here, whiles Mr. Bluet was at Rome; whereupon, not well knowing the mystery, and concealing what I did suspect, I made a motion to my lord of London for mine own going over to Paris, to hear and see how things went; as, having the chief dealing for all matters both here and there, on the appellant priests' behalf, I thought I could do my prince and country more service therein, in sifting out the truth of that or any other matter of faction, than any other could. And my lord was very willing, and said I should go when I would: but still some occasion or other did keep me back, to this unfortunate hour:—Fourthly, I remember once I had some speech with Mr. Brooke, in queen Elizabeth's days, of such a matter as that, if all the secular priests that were not jesuited nor Spanified, and also others of the laity, both catholic, protestant, and puritan, that inclined not that way, were all true English, and bent to follow the rightful title and heir, when time should be, we needed not to fear that desolation of our country which was like to ensue: but I feared much we should hear of a French faction, &c.; which to get out, I told him I would make means to go over, and, when I had learned the truth, come home through Scotland, and inform his majesty of what I knew. Which course he liked well of, and thought it very . . . . : Fifthly, Mr. Bluet, at his going hence to Rome, asked me what I thought of king James, and how I parted from him. I told him, well; and that I ever did and would speak in his defence, where I durst: but I had been imprisoned and plagued so sore for him, only upon suspicion, as I neither durst speak, nor much less write, anything directly on his majesty's behalf. 'Well then,' quoth he, 'Will, keep thee there, and do not, in any case, cast out thyself with him; for thou shalt hear news hereafter:'—but I never heard more of him about that matter:—Finally, Mr. D. Bagshawe writ unto me about Christmas last, to beware of an association, or some such matter, that Mr. Mush and others were entered into: but not naming anything, and persuading myself that Dr. Bagshawe was neither Spanified, nor yet directly Scottified, nor, as I imagined, Frenchified, I could not therefore tell what to make of his letter, until now of late, since Easter last, Mr. Mush and Mr. Collinton having made an atonement with the archpriest and some of the jesuited company, and coming up of purpose, as he said, to confer with other priests and catholics what course to take for restoring of religion, or obtaining toleration, he departed speedily again, without making any of our company acquainted with what he had done, or with whom he dealt. And presently thereupon, there was, both here in the city and abroad in the country, an extraordinary kind of applause given by the jesuits and their faction, on the behalf of the French; which as it caused many to wonder what their policy should be therein, having spoken so contemptuously of the French king and his power beforetime, so presently I, hearing, about that time, of Udall's speech of a book printed for the French title, began to smell a rat, and had I not been put out of all hope to have had access unto his majesty, I had come and motioned this, among other things, unto him, and offered my service to have been employed in France, or here within his already possessed of kingdoms, for that purpose. But now I may well say that they are most unfortunate, that study most for princes' favours, and to do their sovereigns service." Original in the State Paper Office.—*T.*]

trary to all expectation, I had cleared myself, and God had wonderfully delivered me, he then was heartily sorry for accusing and betraying me so unjustly; and, of mere remorse of conscience, knowing my innocency, he had since refused £2000 or £3000, or I know not how much, as he saith, because he would not seek my blood, as was motioned that he should. To this effect he sent me word, offering himself to approve all this, with much more, before his majesty.

About the same time, another told me how that his majesty was hardly conceited of me, and that I was suspected to stand for the French . . . . . :[1] and a very friend of mine, ever most deeply affected to his majesty, came to me in the streets, and asked me in what terms I stood with his majesty. I answered, very good, for aught I knew; yea, I rested in my own conceit most certain and assured of it, because of his princely gratitude even to the meanest (as I am), and by reason of my innocency towards him. Whereunto the gentleman replied, that it was very true, and that he did not think his majesty could or would forget me; he himself, though an earnest protestant, yet offering to aver it on my behalf, that none was ever more faithful and loyal to defend his rightful title than I was, &c. The like said a very worshipful knight of mine acquaintance, and divers others, to the same effect; which made me muse what the matter was, and how I should be traduced: but [I] made no great matter of it, because I thought it to be but some jesuitical rumour for some vile intendment against me, as afterward it proved; they making this a colour of my intended villanous mind, as they most falsely have informed against me, that, out of a mal-contented mind, and seeing myself rejected, and not advanced as I expected, I hereupon fell into desperate courses, and traitorous attempts against his majesty's person. But God, who ever hitherto hath protected and defended me, even from innumerable, and some seeming inevitable, dangers, *à juventute meâ*, hath provided this good means for my purgation to his majesty before your honours, which otherwise I should have despaired of; knowing too too well what great enemies I have in court, the least whereof is too too heavy for me, poor worm, to bear, if but in the breath or blast of their mouth against me:—And therefore thus it followeth.

In Easter term, amongst others that came up to London, one was the gentleman,[2] who suspected how the jesuits had traduced him in queen Elizabeth's days, and who, after divers conferences, by him and others, with Gerard and Darcy, was at length half persuaded they

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[1] [Here half a line is carefully obliterated.—*T.*]
[2] [Sir Griffin Markham —*T.*]

meant *bonâ fide* to join really in any action for restoring of religion by any lawful means: but, contrary to his expectation, they most fraudulently went about to entrap him, and writ a letter back unto him quite contrary to their former speech. A most treacherous letter it was, and, as he told me, when he showed the letter unto me, there was not a word in it consonant to his speech and Darcy's with Gerard's had together. Which when I heard, and withal had thoroughly considered of the contents of that letter, I told him he had undone himself and all his acquaintance and friends; for the issue could be none other but this, that the jesuits having some treasonable practice in hand, which they would not impart unto him, they would take advantage against him and his by this letter, in such sort as, if their treasons came to effect before discovery, then down should go all the appellant priests, and those that sided with them on their sovereign's behalf; again, if it were discovered, they would then cast it upon his back, and upon all the secular priests', but upon mine in chief,—as now they have. But, to proceed:—

About the same time that this letter was showed unto me, one came and told me how the jesuits had sent down, from London into the country, great store of powder and shot, secretly conveyed to their friends; wishing them not to stir, but to keep themselves quiet, until they heard from them. The same party also, who showed me the letter, told me he had advantage enough against them (and they none at all against him, whatsoever my conceit were of that letter), as well by their former plots, whereof he had testimony in writing, and which were yet suspected to be in hammering, as also by their then present proceedings; for that, notwithstanding their show in that letter that butter would not melt in their mouth, yet was he privy to it how, at the same time, Gerard was in buying of a great horse for the wars, and had, with help of his friends, under pretence of teaching a young lord to ride, bought up all the great horses he could throughout the country: so as it is manifest that they intend some sudden exploit yet before midsummer, or so shortly after as they can be provided, if not before discovered and prevented. The presumption hereof, and suspicion of some treason to be intended by them, was augmented as well by reports that went of a sermon or speech, which the president of Douay, one Dr. Worthington, made, in some reviling terms against his majesty, with extolling the name and title of another competitor to the crown, whom if God did bless and awhile preserve, he made no doubt but should prevail;[1] as also for that a certain jesuited

[1] [Of this statement we have a confirmation in a letter written by sir Anthony Standen, the friend of Persons, and addressed to that jesuit, on the 27th of December, 1603. In it he says,—"As for yourself (and upon my soul this

person,[1] being in company with honourable lords, whereof some or all seemed much discontented with the present course of things and times, the party, whispering one of them in the ear, said, "My lord, be not dismayed, for you shall see, ere it be long, that the catholics will redress these and other wrongs sustained." And again, about this same time, there was such posting up and down of Gerard, Oldcorne, Darcy, Blount, and other jesuits and jesuited persons, as made it apparent that some great matter was in hammering and working amongst them, though kept so close as by no means I could find it out:—only thus much I got out, that they had gathered a great mass of money together, amounting to a million of pounds, as one, or of crowns, as another, reported, to levy an army undoubtedly therewith, when time should serve for it. This huge sum as no man can imagine it possible to be raised out of all the catholic store in England, so was that part and portion, which they got, collected very suspiciously, but yet cunningly: for, first, it was not motioned by any but of the Spanish faction, that I could ever hear of, nor to any but such as they thought affected that way: secondly, a caveat was given that certain persons (whereof myself was one, who yet knew more than many of their own knew thereof) should in no wise be made privy to it: thirdly, this collection went very halting; for, in some places, it was made under pretence of sending over a great many youths, none of which must pass under £60, or £50, apiece, and others not under hundreds or thousands, as they or their friends were possibly able, by selling their lands, goods, or otherwise, to afford it. In other places, and to others, their pretence was,

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I never spake to any but to yourself), there cannot be one more hateful to the king than you are; and, to amend errors, Worthington's inveighing against the king to the English students hath heaped more coals; your foes having delivered to his majesty that he, as a dependent of yours, was set on by you. Father, what is true or false God only knows, for I do not; and do expressly forbid myself to believe speeches," &c. I may add, in reference to a subject mentioned in the preceding volume (iii. 31—35, note), that, towards the conclusion of this letter, Standen speaks of the means by which Persons may remove the prejudices already existing against him, and, having intimated that "time and good and due carriage will accommodate all," thus continues:—"I must tell you what passed between father Cotton and myself, touching yourself and *the remedy of return to the king's favour*, which was, that, to bring forwards two good works, which were two colleges then beginning in Spain, *Doleman's book was no more but a showing how to draw to an end those good works: and that, as for father Persons, he neither was, nor is, Spanish for all that.* This and such like must be delivered to his majesty; *and this is the cleanliest subterfuge we have.*" Original, among the "Criminal Papers, 1603," in the State Paper Office.—*T.*]

[1] [In Watson's Examination of the 18th of August, this person is described as "one Mrs. Gerard, who is wholly jesuited, and dwells at Trent, in Somersetshire." Original, in the State Paper Office.—*T.*]

to procure liberty of conscience, by gift of this huge mass of money to certain Scottish lords very near about his majesty: and sometimes they would pretend other necessities, either for themselves, or catholic prisoners, or colleges beyond the seas: yea, to some they pretended one thing now, and, having gotten the parties' benevolence for that, would come upon them again for another matter; so as, no doubt, the mass of money is great which they have collected by these means; but, not amounting near a million, I heard, shortly after, how it was or should be made up by count Aremberg (who then, as I take it, was ambassador here from the archduke), for that purpose, as was suspected. And, in truth, in my poor judgment, it was most manifest; for that, about the same time, an offer was made by a lord of this land to another, his honourable friend,[1] to procure £1000 sterling of yearly pension to be given him, to stand for the Spanish faction with all the power (which he knew to be great) that he was able to make: affirming further that another great person and competitor to the crown[2] should receive £10,000 of yearly pension from Spain for that purpose, to be at their disposing.[3]

These things thus growing to a head, I began then to look about me, and to devise some means for to do God, my prince, and country, some piece of extraordinary service, though not by my worthless self yet by the many and great acquaintance I had every where. And first of all, I devised how I might come to inform his majesty truly and exactly of all these things; but found so many obstacles and impossibilities therein, as I despaired of it, as well by reason of many enemies I had, which would discover, apprehend, or keep me from the king's presence as also for that I understood of the difficulty which even great persons had to come in presence. Then I purposed to impart all I knew to some lord of his most honourable privy-council, or other noble near about, and deeply affected to, his majesty: but the general discontents betwixt the Scots and English, on the one side, and the suspicion I imagined they might justly have of me, on the other side, lest I should have come to entrap them by some words or action, made me quite give over that intendment, and resolved at last to write to Mr. E. Ashfield, as I did, desiring him (being now at liberty out of the Tower) to come

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[1] [Lord Cobham and Brooke. See Watson's Declaration, post.—*T.*]

[2] [The lady Arabella. See post.—*T.*]

[3] [The greater part of the preceding paragraph was selected by Coke, to be produced on the trial of Raleigh, and, with this view, was transcribed on a separate paper. From this paper Mr. Jardine has published it, in his Criminal Trials (i. 423); but, trusting to a marginal note of a later date, he has been led into the mistake of supposing that it formed part of the "Declaration" of August 10.—*T.*]

and speak with me, intending to have informed him of such matters as might have brought me to the king's presence, by his means to have discovered all. My letter he received; sent me word he would come to me; but to this hour I never saw him.

Thus doubtful what to do, and the dangers daily increasing and hasting forward, so as I greatly feared they could not be prevented without God's wonderful providence, at last I called to mind two stratagems, not unfitting for me to imitate in another kind than the first practisers did. One was an example which, I heard, a Scots gentleman reported himself to have used, to win himself credit and advancement at his majesty's hands; and that was, to confer with divers of his acquaintance and friends, every one apart and in secret by himself, to desire him to be in a readiness to do his sovereign service when he should give him notice, which was, by wearing some colour or token known to himself alone, and such as he could win unto the like, with oath taken and promise made of secrecy not to reveal it to any one; by which pretty device of his, upon the sudden, after queen Elizabeth's death, he showing his colours, a great many of his association did the like, and, in the end, many thousands, not knowing what it meant but imagining those to have been the king's colours indeed, or worn for his sake; whereas the intent of the first inventor was, that, if any rebellion or resistance had been against his majesty, at the queen's death or otherwise, he would, upon the sudden, have made as great a party as the most should, on his liege's behalf. The other stratagem was and is an ordinary subtle device of the jesuits, yea, and all politicians that be of wit and action; and that is, to work in open show all by contraries to their intention, as (to go no further), in the case proposed and now in hand, they had diversities of pretences to outward show, in the collection of this great treasure now in readiness, dispersed amongst their consorts and confederates:—again, they gave out to some that such and such honourable and great persons were quite now alienated and gone from them (which would they were!); but the contrary is too true, and their policy therein more dangerous:—again, to some they use most disgraceful and suspicious speeches of the king, to exasperate men's minds against his majesty; to others they make large promises of great rewards and honourable advancements; and to others a marvellous applause to his majesty, with such a liking, good conceit, and hope, nay, rather assurance, that he will be catholic, or at

[1] [In imitation of this, Brokesby informs us "that Watson told him that the conspirators, to be the easier known, should wear stockings either of yellow or blue." Examination of Bartholomew Brokesby, Sept. 14, 1603. Original in the State Paper Office.—*T.*]

least grant liberty of conscience, as a simple man, unacquainted with dissimulation and hypocrisy, would think it impossible that ever they should attempt or intend any thing against his majesty, or that one word of this my discovery in the premises should be true (but, I thank God, I have witnesses, and can and will, at time and in place convenient, name to his majesty, or your honours at his appointment, yea, bring in, by his or your authority and protection under him, all and every author of every particular practice and conspiracy here set down, as they were from time to time delivered unto me):—marry, this last device of extolling the king's majesty, and singing of *Placebo*, is not amongst their own assured, where none of ours, they think, can come to discover them, as those places are where their treasure is kept for levying of forces, and their powder and shot, with other armour and artillery, is in a readiness; but this smooth speech of toleration, &c., is where some of their faction is in house, or near to some of our company, whose loyal hearts they know to be such to his majesty, as [it is] in vain or dangerous for them to speak otherwise: and therefore one Holland, a jesuit, understanding that a noble lady (seduced by him to be an enemy to the appellant priests, and wholly for the Spanish faction) had discovered her zeal so far (I verily think of a good and religious true-meaning heart in her, though not conformable to their atheal zeal and policy), as great likelihood there was, in his guilty conceit, of some danger to them, or at least some hindrance, if not discovery, of their projects and platforms, he therefore feigned like a madman, in dislike of her for it, &c. And thus much for the stratagems: now for my imitating of them.

In devising how to imitate these two stratagemical examples, on his majesty's behalf, and for the common good of our country, yea, and withal, I must confess, for a deep desire I had of restoring religion again in our country, or at least of procuring liberty of conscience, which I made no doubt of but would have been granted, upon the sequel of this special service intended by catholics at my procurement, on his majesty's behalf, amongst many hopes, there were two I did much presume upon, and these were two catholic gentlemen of good worth and great alliance, and friends, and both standing for the priests against the Spanish faction. The one I never saw myself, but knew how to have him wrought, when need were; the other[1] I knew as one who, spite of the greatest in that shire, and before any authority, commission, or direction came down into the country, proclaimed king James presently, at what time as another great knight and his confe-

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[From one of Watson's marginal notes to his "Declaration," which the

derates were about to proclaim another sovereign over us. These two catholic gentlemen being, the one deeply affected to a northern, the other to a southern, earl, both which, I understood by others of my friends, were no less honourable in their actions than affected of all men, and most loyal to his majesty from the beginning, as it pleased his highness to acknowledge unto me, upon some speech of them at my last being in Scotland, hereupon I made no doubt but, when time should come, these two catholic gentlemen could and would, by my instructions, inform the said two honourable lords so thoroughly of all matters, as the jesuitical faction should have a cold pull for the conquest of this land. Yet thinking it not fit, for the present, to impart any matter of moment unto them, I proceeded in this manner, imitating the former stratagems.

First, hearing of divers upbraiding speeches against me, proceeding from the jesuits' malice, as, "Lo! there was Watson's king! There was he that was said to be so well affected to catholics, as that he would grant toleration!" &c., I answered that it was true, and that I made no doubt of it but his majesty would be drawn unto it, if our cause were once thoroughly known unto him; which could not, as I thought, ever be but by public means. The public means must, quoth I, be this,—for all catholics out of every shire to repair up to London about midsummer (for I understood the jesuitical or Spanish treason would break out about that time), and to bring with them of schismatics and others so many as they could make of their friends, or win to give their voice for toleration of religions, on the catholic behalf; and that these all repairing up together (as they might without suspicion, some to the term, others to see our sovereigns, king, and queen, and prince, and princess, others to expect the coronation, and some under one pretence, some under another), they should present themselves before his majesty and honourable council, all with one voice crying out for justice in toleration of the catholic religion there to be granted by his majesty, and ratified and confirmed by his prerogative royal, before all his noble peers presently in that place: otherwise they were never to expect it, by reason of sinister suggestions that would still in private be whispered into his princely ears against us; and also for that particular faults would be made general offences hereafter, as it was in queen Elizabeth's days:—and besides, this public grant would be so notified and known to all the world, that no civil magistrate could ever after except against it, nor seem to be ignorant of it: adding withal, that there were

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reader will see presently, it would appear that this person was captain Vaughan, and that the "great knight," whom he opposed, was sir Thomas Jones.—*T.*]

so many noble and honourable persons (as some were tried that were even protestants and puritans, who notwithstanding thought well of toleration, and promised to give their voice, &c.) that would like well of the motion, as, when it should be asked in presence,—"What say you, my lord?" and "What say you?"—and so from one to another of the chief,—"Will you deign us your voice to his majesty for toleration of our religion?" —there were so few that would not like of it, either in piety, or at least in policy, as the willing impugners of so good a motion should, even of fear and shame, be put to silence, when especially it should be known to tend to the common good of all, the securing of his majesty's person and royal issue still to reign prosperously over us, and the great profit, quiet, and content, which it would bring to the whole commonwealth of and within his majesty's imperial dominions. Yea, to make this certain, the catholics should all in that place prostrate themselves at their sovereign's feet, desiring nothing but justice at his hands; that if they had deserved to be used as his children (as a prince is *pater patriæ* in respect of all his subjects), then not to suffer them to live as aliens, strangers, bastards, bond-slaves, or men unworthy of his gracious favours common to all other sects or professions: if any could accuse them, or give a reason why they ought not to have such favour, that it might not be suggested in detracting manner, and in hugger-mugger behind their backs; but there in presence to have their case pleaded, and the convicted put to silence ever after: nay further, to take a solemn oath of allegiance, with offer of hostages for continuance of their loyalty, and discovery, with delivery, of all or any one catholic, &c., that should practise or conspire any manner of way against the premises.

This proffer being well liked of by all men at first, that ever heard of it, and divers having promised, yea, and some upon their oath granted to further it, to their power, thus far, to wit, to do their endeavour, by all lawful means, for restoring of the catholic faith in our country, for preservation of his majesty's life in safety, and for conservation of the laws of our land against all whosoever, and not to impart this their intent to any, until time should come for it; none taking, nor imagining how to take, exceptance against the premises,—yet the matter being heard of amongst the jesuits, they presently conceiving of it (as true it was) that it would be an utter overthrow unto all their plots and treacheries, as a discovery perforce of their treasons and conspiracies, a means to cause all catholics to cashier and reject them, and a violent expulsion of them all out of the land, they hereupon began to stamp and stare like madmen, and to devise all means possible either to hinder it, or else to bring us all in question about it. They sent down post-

haste into the country, for all catholics to beware of such and such priests, as were about a most dangerous conspiracy: they reported that I was set on by the lord Cecil of Essenden, and the bishop of London, and I know not whom, to betray all catholics, and bring them within compass of treason: they affirmed there could be no good meaning in it, by reason that catholics, protestants, puritans, and all discontented persons of every profession were in it: in few, the devil himself could not have invented more manifest, false, and spiteful lies than the Spanish and jesuitical faction did blaze abroad against us. And, in conclusion, finding, notwithstanding all this, themselves so straightlaced, as they neither could wrest themselves out of danger and present discovery, nor yet effect what they traitorously intended, which was the death of our sovereign and all his royal issue, as then it bolted out (no doubt as God would have it), by a speech of one nobleman unto another,[1] to this effect, saying, "there is no way of redress, save only one, and that is, to take away the king and his cubs (for these were his words, as they were to me delivered), not leaving one alive." The party that spoke these words was the same that, a little before that time, had promised the procurement of the £1000, on the Spaniard's behalf, to this his friend, whom the jesuits understanding of to be acquainted with me, your honours may judge what a fear they were in, and whether it were not high time for them to stir, and to cry "whoreson!" first, in bringing all in question, who either were suspected to be acquainted with that gentleman or me, or else that had blabbed those conspiracies abroad, to bring them to our hearing. Hereupon Darcy, Gerard, and others, informing what they could against the foresaid gentleman that had the dangerous letter sent unto him,[2] and they and others augmenting one lie with another against me to the archpriest and Walley, the jesuits' provincial, these two presently sent for John Gage, whom they instructed what to say and deliver up to some of the privy council, or other lords, against us; causing him withal to come to one Barnaby, a priest, who, whether of fear lest Gage had come of purpose to entrap him, or else that he believed the thing reported by him to be true indeed, or what else did move him to so unjust an accusation of the innocent I know not; but by his own confession[3] he is the man, together with Gage, who hath accused me and others most falsely and ignorantly, not knowing anything of the original cause and ground of these matters, nor how the jesuits had set them on, for clearing of themselves, by laying their own trea-

[1] [Cobham and Brooke.—*T.*]

[2] [Sir Griffin Markham.—*T.*]

[3] See it, post.

sons and conspiracies to our charge.[1] Which when I heard of, and that I was so proclaimed, I sought to have got into some private place for a time, until I had set down all this at large, and found out a convenient messenger to address it by unto his majesty: but being prevented of that my intendment by my apprehension, I now, as his majesty's prisoner, do send it unto your honours, either to deliver or impart unto his highness so much as it shall please him to hear of, or in your wisdoms shall be judged meet to trouble his princely ears withal. As for the names of the parties that are unnamed, I have concealed them until I open them myself in your presence,—I hope without offence to your honours, and for just cause. Thus committing all to your honourable considerations, and my poor self, poor prisoner, to be employed for performance of what I here have promised, or else banished for ever the land, or lastly kept by some of you, I humbly take my leave, at all your honours' service,

Your honours'

William Watson.

*** *The Voluntary Declaration of William Watson, Aug.* 10, 1603.

[Original, in his own hand-writing, in the State Paper Office.]

Jesus.

As, in respect of his majesty's mercy, I hope for life, so, in regard of my own misery, I wish for death; and resting indifferent betwixt both, putting myself wholly into his majesty's hands, with hearty desire of my sweet Saviour to assist me with his grace, to open the whole truth of what I know in these matters, without wronging of any man, or concealing of any act intended (to me known) against his royal person, crown, or state, thus it is:—

After my return out of Scotland, I understanding from time to time how things went, concerning the jesuits and Spanish faction, as both in writing and also in speech yesterday, in your honours' presence, I did in part relate (though by my lord Cecil first, and others of your honours afterwards, I was as much daunted, contemned, and discountenanced from delivery of my mind, as my expectation was to the con-

[1] [It is not improbable that Barnaby was actuated by a feeling of revenge, in this proceeding. As one of the appellants, he had been the friend of Watson: but a quarrel had afterwards ensued; and the latter, just before his journey into Scotland, had announced his feelings in a letter, which Barnaby appears to have answered by becoming the accuser of his former friend. This letter, which is addressed to Charnock, Wright, and Barnaby, concludes thus,—"for any of yours, I shall not hereafter trouble them, remaining always your friend or unfriend, as you force me, William Watson." MS. in possession of the dean and chapter.—*T.*]

trary), and well perceiving, as now I find it too true, that the jesuits and their faction had prevailed so far, as no man should be more odious, nor have more nor greater enemies than I, poor wretch, had, and should be sure to have, even amongst your honours, until they had wrought my utter destruction, hereupon I first began to utter my discontents to sir Griffin Markham, Mr. Brooke, Mr. Clarke, and others, as occasion of speech was offered, how that, notwithstanding my known loyalty to his majesty from the beginning, on the one side,—how I had been imprisoned, all taken from me that I had, accounted for no better than an infidel, apostate, or atheist, by the jesuitical faction (as it pleased my lord Cecil, at the first, to upbraid me with the like, though, to death, neither the one nor the other shall ever, I trust in God's grace, find it so), and all this (I dare avouch it) was for his majesty's sake; and, on the other side, notwithstanding it was well known to all the world how the jesuits and Spanish faction had continually, by word, writing, and action, sought his majesty's destruction, with the setting up of another prince and sovereign over us; yea, and although it should be revealed what practices they had, even in this interim betwixt the proclaiming and crowning of his majesty,—as by insinuating of an excommunication to come out against him and those [who] should side with him; by sending over of Poole's letter (intercepted on the way) for levying of 40,000 men to be in a readiness for the Spaniard or archduke; by buying up all the great horses, as Gerard doth; by sending down powder and shot into Staffordshire and other places, with warning unto catholics to be in a readiness; by collection of money under divers pretences, to the value of a million, as one Salway (or such a name) told me; by affirming that none might yield to live under an heretic (as they continually termed his majesty) hereafter; by promising of 10,000 men to be in a readiness for his majesty, or any other that should be a catholic (as one Mr. Meredith, in Wales, beyond Abergavenny, promised), but otherwise not; by great promises of honourable advancement to some, as to sir Griffin Markham, of large sums of money in pensions to others, as to Mr. Brooke, and all to join with the Spaniard; and by open speech that the king and all his royal issue must be cut off and put to death, &c.,—yet, notwithstanding all this, I was become so odious in the court, and they so grateful, as I never looked to receive any favour, no, nor so much as a good conceit to be had of me by his majesty hereafter, so long as any jesuit or Spaniard

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This Meredith spoke to this effect to Mr. John Harris of Pembrokeshire, to tell me of: but, after that, having been at Lanternum, or elsewhere, he was incensed by Holland, the jesuit, most sore against me. [Marg. note in Orig.—*T.*]

remained alive within this land. Despair, then, for my poor good will was the original cause of what I intended; and thus I proceeded.

I writ to Mr. Ashfield to have come unto me, intending to have uttered my griefs unto him,[1] how unfortunate I was to have procured to myself so implacable a hatred by my writing against the jesuits and Spanish faction, as impossible for me ever to recover a good opinion or conceit to be had of me by any, either catholic, protestant, or puritan, that found themselves either touched with my writings, or affected to them, and thereupon believing all the innumerable slanders and false reports of theirs against me: and again, how, for my earnest prosecuting of his majesty's title, withdrawing all catholics, schismatics, and others, where I could be heard speak, from thinking of any rightful claim to remain in any, save in his majesty and royal issue; putting scrupulous minds in hope that his majesty would either be presently catholic, or, at least, grant liberty of conscience to them all alike; but now, they finding no such sign, they began to murmur against me, affirming that, upon my speeches, and vain hopes I put them in, they surceased themselves, and stopped the commotion of others that would have risen in arms,[2] and have had, at the least, a general toleration granted them, or else would all have died for it, ere ever they would have accepted of his majesty into the realm: whereas now, relying upon my words and fair persuasions, they were the readiest of any, in those countries where they lived, to proclaim him king; and prepared to defend his title with loss of all their lives, against any that should either proclaim any other, or seem to make resistance, &c.: so as, holden that way for a temporiser only, and yet withal reaping no gain, comfort, or countenance, that I could perceive, at his majesty's hands, imagining that it proceeded of evil offices some or other took upon them, to hinder his gracious favour towards me, not of want of a princely grateful mind even to the meanest of his vassals, as myself am,—I intended to have delivered all this, and what else I knew of the Spaniard, to Mr. Ashfield, and therewithal to confer with him what course were best for me to take hereafter. But he not coming unto me, I resolved upon this course following.

I conferred first with Mr. Clarke, then with Mr. Brooke, after that,

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[1] [In the margin of a copy of this paper, is written, by another hand,—"The king was acquainted with this by sir John Peyton: but no direction coming from his majesty, Ashfield gave no ear to it." Copy signed by Watson, in the State Paper Office.—*T.*]

[2] This was in Wales, in Carmarthenshire, where captain Vaughan, urging his willing brother, sir John Vaughan, to proclaim his majesty, resisted sir Thomas Jones intending to have proclaimed another, as the said captain told me. [Marg. note.—*T.*]

with sir Griffin Markham,[1] and so with others, to this effect, to wit,—what course might best be taken for securing of catholics dissenting from the Spanish faction, that they might not be bearded out by those in present authority, but live in that grace and favour with his majesty, as their loyalty and good deserts should merit unto them. One said (and I think it was sir Griffin Markham) how he had heard it was usual in Scotland for the king to be taken of his subjects, and kept in strong hold until he had granted his subjects' requests. I affirmed it to be true that I had heard the like; adding further that, if ever it were lawful and convenient so to do, I thought it could never be more lawful, necessary, nor easy to be effected, than at that time, to wit, before the coronation or the parliament time. My reasons were divers; but these especially;—first, for that, although, in his own innate right, his title was as good, and our bond as great unto his majesty by nature's laws, the first hour of his reign as ever after it could be, yet, by positive laws, or rather custom, and the bond of homage, fealty, and allegiance acknowledged by public act, it held not in so full force before, as after, his coronation and parliament: Again, if, in former times, when the commonwealth was pestered, and the sovereign misled, by evil counsellors, the lords and commonalty often rose in arms to suppress such insolencies, yea, sometimes with imprisonment of their sovereigns, and all this upon a most loyal mind in some, then, much more now, when our sovereign hath, contrary to all expectation, accepted of such into his special grace and favour, which were and are so deadly hated of the greatest part, as every hour there was nothing but mutinies and conspiracies to be looked for: Thirdly, the general dislike betwixt the Scots and English, and thereupon the endangering of the king's

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[1] Sir Griffin Markham and I had conference, before any other, of something to be done, but no resolution was with him, or any of these, until my coming up to London, as here it followeth in order (Marg. note).

[From this, as well as from what follows above, I conclude that Markham first suggested the plot to Watson. Cecil, in fact, expressly attributes it to Markham and Brooke, and says that Watson and Clarke were employed by them. "Sir Griffin Markham and Mr. George Brooke, brother to the lord Cobham, having dealt with the king in former time to profess their affection toward him, finding some of their vain hopes deceived, fell into incontentment against the king, and most of the nobility that were counsellors about him: and observing in the lord Grey some like malcontented humour (only in some such like respects), they began to project a course of alteration of this estate; hoping, if they could have, with some convenient number, possessed the person of the king, that they might then, by his authority, have raised themselves to what places they would. * * * Forasmuch as now these men should hardly have been able to have drawn such a company together, to second their passions, one of them, being a papist, undertook by Watson and Clarke, two priests, to draw in some catholics to assent to deliver a petition to the king," &c. Caley's Life of Raleigh, i. 360, 361.—*T.*]

person ensuing, did make the act more tolerable for taking of the king out of all their hands, and keep (*keeping*) him safe, until justice were done upon those should be discovered for to be his enemies, the people's fury appeased, both English, Scots, and Irish contented, and his majesty secured from future dangers, by hostages taken of the principal of his subjects and peers: Last of all, that this being done by catholics and their friends, it must needs follow by this means that they should be accepted of in authority under his majesty, at least equally with others, and thereby have always friends in court, that boldly might speak for them and defend their right; which now [was] quite contrary.

Thus I proceeded at the first; and it was well liked of by those, to whom I imparted my whole mind therein. Marry, to the most part I proposed the case only thus, to wit,—that, seeing all hopes of toleration failed us, our only way must be by general voice to repair to the court, and there to appeal together to his majesty for justice, that, if our religion had deserved punishment, then [to] make it known wherein, with suffering us in public there to plead our cause; if our loyalty to our sovereign equalled any others', then either to accept of us as children (not as bastards) legitimate and lawful, liberal and free-born subjects here to live; or else, if it were interpreted for disobedience to our sovereign to be catholic, then to banish us all the land, or grant us some remote place to live in, upon hostages put in for assurance of our loyalty. Hereupon I desired to have voices given, when time should come, for toleration of religion; which few but did well like of, that I could hear of. But to others, [to] whom I imparted the intention of seizing of the king's person, I used the reasons before rehearsed; and thereupon drew an oath, to be tendered to all indifferently; that, when they had come in place, they should have been forced (though ignorant, before, what was meant) to have done as others did, who were to have been the managers of that action. The oath was in this form:—

"I, N. N., do here, before God, his holy angels and saints, attest from henceforth to do my uttermost endeavour, by all lawful means, to restore the catholic faith again in our country, to conserve the life of our sovereign in safety, and to preserve the laws of our land against all or any whomsoever shall impugn them," &c.; and hereupon took an oath of secrecy [1]

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[1] [In his examination of August 18, Watson gives the oath at length, together with some comments, which, as well as the oath, I will here subjoin:—"The oath," he says, "was thus, as I remember:—

"'I, N. N., do here, before God, our blessed Lady, and all the holy angels and saints, attest, in the faith of a catholic christian man, that from henceforth

To comfort as well the first rank for giving their voices, as the second for attempting the action, and to make them forward in it, I used many persuasions; yet all to move them with a more dutiful love, and greater loyalty to his majesty;—as, that I doubted not but he would like well of such a course, being of himself a most mild, merciful, just, and prudent a prince, as was most willing to grant us toleration of religion, and to show us any other lawful favour, but was withdrawn by evil counsel about him from putting it in execution; and therefore would like well to be thus taken from them, to grant our request; which to make them assured of, I told some I would procure that his majesty should be privy to it. I affirmed also, to make them more forward, that divers of the nobility were, and should be, made acquainted with it, as most willing to further so good a cause, especially upon a general grudge they had against the Scots, to see all offices and places of preferment given unto them, and nothing done without them:—but, in very deed, I dealt not, mediately nor immediately, with any one lord of honour therein. And finally, when I found them slow in it (as fearing that which is now come to pass, that, how good soever their and my meaning was, yet, if discovered and not effected, it would be judged for treason in the highest degree), I told divers of them that there were many thousands that came out of the country, and were here in London; whereas it shall appear I knew the quite contrary, and that there was no such matter.

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I will do my best endeavour, by word, writing, action, or any other lawful means, to restore the catholic faith in our country, to conserve the life of our sovereign in safety, and to preserve the laws of our land from all enemies, of what sort title or condition soever they be, or may be: and that I will act nothing, by word or deed, ever contrary to this my oath; nor ever reveal, by word writing or other sign, any thing that shall be consulted, defined, decreed, or motioned, by any of this sodality, without advice and consent of twelve of the chief thereof, all at once gathered together to that purpose. That this oath is voluntarily taken by me in simple and plain terms, without all equivocation and deceit, and religiously to be kept, I attest; so help me God and holy doom.'

" This point of secresy, unless permitted by twelve of the chief, was put in, first, for to have the matter intended concealed from all but such, as should first be sounded which way they leaned, and how they stood affected: secondly, to take away all occasion of open talk, or naming of any one or others; but every one that had it, to deal with his own company and no more; that thereby, unless all were had that ministered this oath to others, the number nor men could never possibly be all known; no, not to any of ourselves that were chief in it: and therefore was this number of twelve put in, of purpose to put all men out of hope, if any would be treacherous to break his oath by discovery (as some have done, otherwise this had never happened of mine and others' imprisonment), that yet it was impossible for twelve of the chief ever to meet together; there being but three or four as chief contrivers hereof in all, to wit, Mr. Brooke, sir Griffin Markham, Mr. Clarke, and myself." Original, in the State Paper Office.—*T.*]

[1] [Another pretext, which he has here omitted, is supplied in his examination

For taking away of his majesty's life, I do and will ever, *in verbo sacerdotis*, take it upon my death, I never, first nor last, intended it, nor ever talked with any (to my knowledge) that would have done it,

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of the 18th of August, thus:—"Yesterday at night, I remember, out of Mr. Benson's relation there was mention made of my speech unto him, for rescuing of the king upon midsummer day at night, or about that time; at which time I told him there was, as I understood, a practice in hand, by my lord Grey and the puritans, against his majesty. This relation brings one thing to my mind which I had forgotten, to wit, how that, still altering my motives, to urge men on to be in a readiness for his majesty's defence, and furthering of the catholic cause, according to the diversities of changes in men's opinions, and dangers increasing daily to his majesty's person, I moved that, as one, upon a speech of Mr. Brooke's unto me, about that same time (and it was before my lord Grey had entered in with us), to wit,—Mr. Brooke and I talking together of the dangers his majesty was in, yea, and the whole realm, and how he had heard of a most dangerous plot intended for a general confusion and destruction of all, which was to begin by coming in through Scotland first, but whether the Spaniards, or the French, or both, I know not; only this I remember, he told me of count Aremberg something that, in both our conceits, did sound to make it manifest that the great mass of money, reported to be in the jesuits' disposing, was most of it from the said count, as impossible for all the catholics in England to raise so much of themselves: and withal we had some speech then also of his brother, my lord Cobham, and sir Walter Raleigh, how they two stood for the Spanish faction; at what time, something, as I take [it], was spoken concerning Mr. Raleigh's surprising of the king's fleet, as Mr. Copley hath noted; but what it was I cannot possibly call to mind:—but for my lord Grey, thus it was, as far as I can remember touching that point;—Mr. Brooke being with his brother, my lord Cobham my lord Grey and sir Walter Raleigh were there at the Black Friars, and showed, every one of them, great discontent, but especially the two lords; my lord Cobham discovering his revenge to no less than the depriving of his majesty and all his royal issue both of crown, kingdom, life, and all at once; and my lord Grey (to use Mr. Brooke's own words unto me) uttering nothing but treason at every word, and so forward to do something for revenge, as he seemed even desperate in a sort. Hereupon, all these circumstances concurring together, I used that of my lord Grey's intent and others', to hasten on Mr. Benson and others, as occasion was offered; and withal, upon a motion of sir Griffin Markham's for weapons, I wished Mr. Benson to send to his son to bring up his armour, brought out of Ireland to be sold: but sir Griffin told me afterwards there would need no armour, save only calivers to break open locks withal, if need were. And afterwards, when Mr. Brooke and sir Griffin Markham had drawn my lord Grey to them, yet did I still to some use the same persuasion as before, to be ready to defend the king against the lord Grey and the puritans' faction, partly to make catholics more ready to join in the king's behalf, but most especially indeed for that I still doubted of my lord Grey, what his intent might be (even when he was joined to ours), as well against the king's person, as also against catholics in general, if he and his had prevailed; and therefore was I careful to learn out by Mr. Brooke what company my lord Grey was able to bring with him; and withal that he might not prevent us, nor over-rule all, but, if it came to action, that either sir Griffin Markham, or Mr. Copley might have the guard of the king's person, and that action in hand for surprising of his majesty, and my lord to be set to my lord of Southampton and those whom it was thought he had an earnest desire to be revenged upon, and so his majesty to have been secured from him or any other of his enemies." Original in the State Paper Office.—*T.*]

or intended it. This I must confess, that, whereas, at the first conference with Mr. Brooke, sir Griffin Markham, and Mr. Clarke, about taking of the king's person, we aimed at no further mark than to have had my lord keeper, my lord treasurer, my lord chief justice, my lord Cecil, my lord chamberlain, my lord Cobham, my lord president of Wales, my lord president of York, my lord treasurer of Scotland, my lord Glenluce, and sir Walter Raleigh, to have all been committed prisoners to the Tower, there to have remained, deprived of all authority, and others put in their places: yet, upon some speech afterwards with Mr. Clarke (as I take it), finding that he had talked with some, that intended bloodshed of those that had been persecutors of priests and catholics; and, as I take it, it was Mr. Bluet[1] whom he told me was of opinion that never any hope could be of restoring religion, unless the above-named lords were all cut off; which speech I used again to one Mr. Kendall, of Cornwall, who utterly disliked thereof: and how Mr. Anthony Copley liked or disliked of it, I do not now well remember, but I think he utterly disliked of it: and, in few, although I protest, *in verbo sacerdotis*, that in my heart I did ever abhor it, yet, in speech afterward with these two above-named and sir Griffin Markham, I seemed not altogether to dislike of it: marry, yet said withal that, if our good hap were to have his majesty safely ours, there would be matters enough of high treason against them all, and others, either for packing with the Spaniard, or procuring the late queen of Scots' death, or seeking to set up another prince here since the king was proclaimed, and the like. And for my lord Cecil and sir John Stanhope, as I take it, one Udall, prisoner in the Gatehouse, sent me word, about that time, that he had matters of high treason against them, and doubted not but, if I would be silent for a time, he would bring my greatest enemy (which he said was his lordship) to his arraignment and just reward.[2] Therefore, I concluded that, in no case, there should be any blood spilt (but by order of law), that might be saved. Of which mind Mr. Brooke was also; and wished me to deal with sir Griffin Markham to that end, as I did; and he answered that, for his part, he carried no bloody mind; but he feared, when it came to it, they should be constrained, for safety of their own lives, to take away some of theirs.

The time appointed for the deed was midsummer, by reason that, as sir Griffin Markham and myself and others thought, the jesuits, or the

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[1] Whether Mr. Bluet ever knew of any particular point or not, in these matters, I know not, but upon Mr. Clarke's report unto me. [Marg. note.—*T.*]

[2] See page xxiii. ante.

puritans, or both, were about some worse matter against his majesty, to be executed upon his person at that time, which we thought to prevent: but my lord Grey first, and Mr. Brooke afterwards, were both of that mind, that nothing was to be done until both the king, queen, and young prince were come together: and so, partly for that cause, partly in respect that few or none (to account of) came, it broke off and was discovered.

The names of the priests that, to my knowledge, were privy to this fact, were, Mr. Bluet, Mr. doctor Bishop, Mr. Clarke, Mr. Drury, Mr. Knight, Mr. Vaughan, Mr. Beasly, Mr. Butler, Mr. Leake, Mr. Jackson (which two last afterwards disclaimed from it, as I heard): and yet I know not any of these, save only Mr. Clarke, that was privy to the principal matter intended.

The names of the nobles and gentlemen were, my lord Grey of Wilton, Mr. Brooke, sir Griffin Markham, sir Francis Lacon, Mr. Strange (sometimes prisoner), Mr. Kellet, Mr. Dorrington Mr. Peter Maxwell, Mr. Jefferies, Mr. Brokesby, Mr. Conisby, Mr. Parry, Captain Vaughan, Mr. Floyde, Mr. Scudamore, Mr. Harris, Mr. Kendall, Mr. (*sir Edward*) Parham, Mr. Cuffold, Mr. Anthony Copley, Mr. Delahay, Mr. Benson, Captain Myn, Mr. Ferris, the two Penkevilles, Mr. Horwood:—and more were with me, whose names I do not remember. Sir Francis Lacon was drawn by Mr. Kellet; and divers of these never knew any thing more than giving of their voices.[2]

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[1] All these, unless Mr. Clarke, were ignorant of the principal act intended, for aught I know; and so were all the laymen, unless Mr. Copley, Mr. Kendall, Mr. Dorrington, and the three heads, to wit, lord Grey, Mr. Brooke, and Mr. Markham, as far as I can now remember. [Marg. note.—*T.*]

[2] [Copley, in his answers of August 1, has given the following additional particulars of some of these parties:—

"Mr. Parry, by his failing to be come up on Thursday night, neither yet was come on Saturday at noon, seemed to be withdrawn from the action.

"Mr. Kendall never flinched, at least in terms, till the action was clean given over; being as deeply engaged therein by the oath, as any man;—and promised to bring his number.

"Captain Vaughan withdrew himself on the Friday, and withdrew divers, as Mr. Harris told me.

"The two Penkevilles withdrew themselves very betimes, and the first of all others that I heard of.

"Mr. Conisby, who, as I guess, was a slur of the jesuits in our tables, seemed to be withdrawn some three days before. He was the man, as Mr. Watson told me, that buzzed abroad the supposed warrants against him, and who, I verily think, set on Mr. Kendall to disclose our project."

In reference to Kendall, he afterwards adds,—"'Tis time I were now at supper, my good lords" (he has been describing the conversations of one of the days which he spent in the company of Watson), "and acquainted with Mr. Kendall, touching whom to give your lordships the satisfaction ye require, it is no more but this, that, during this supper, while our communication being, for

There were also articles drawn, for to have [been] showed unto his majesty, in form of a proclamation, to have been published by his highness' authority, for our general pardon, and the reasons yielded of our fact, to appease the multitude, and to avoid bloodshed and all other kind of commotion thereafter; which articles I delivered to Mr. Brooke, to peruse and change where he thought good.1

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the most part, on the premises" (his reasons against the deposition of the king, which he has given also in his Voluntary Declaration), "and he coming out often between with advancing the lady Arabella, and his having her from Sion in his power, in the end, I know not how, Mr. Watson fell a distributing of offices by virtue of the broad seal; and fain Mr. Kendall would have had the keeping, or rather the reality, of a certain strong castle near the Mount, which, as I remember, he said one Mr. Smith, a man that he loves not, enjoyeth through my lord Cecil's favour. In this castle he would maintain a party against all the world, and, as I think, the lady Arabella to his own use: and, as for other forts in the west, Mr. Watson to place in them his kinsmen, or such other his friends as he should commend. This gentleman, upon our acquaintance, I had no great good liking of; both for that I relished not his discourses touching our business, and likewise for that he was a tobacconist: insomuch as, expostulating with Mr. Watson his admitting into our secrets so young a catholic, and one who, by his own saying, came purposely up to offer his service to my lord Cecil, with what observations I made Mr. Watson take of the man besides, by which I gathered he would do us a shrewd turn in the end, the good man gave him over, though too late. As for his service in disclosing our design unto your lordships, if he did it not before Saturday, the 25th of June, it was the less worth, because then it became void of itself" (Original in the State Paper Office). Thus it appears that Kendall, as well as Gage and the other parties already mentioned, was employed in giving intelligence of the conspiracy.—*T.*]

[Copley, in his answers, on the first of August, has described this proclamation, as follows;—"His majesty to acknowledge himself as yet a stranger to the state of this his realm, and to the many partialities left therein, at the time of his late cousin's decease, and some arisen since; all or most of them tending to the instant destruction of his person: and that thereupon these, in whose hands he now was (being an aggregate number of his especial friends of all sorts of religion), had, in their vowed loves and loyalties unto him, and in their no less assured knowledge of his said imminent perils, rescued him into that place of safety, from whence he would presently dispose of things to the satisfaction of all;—part, by removing from his council some, whom he understood to have been beforetime faulty to the commonwealth; and the rest by present parliament after his coronation: concluding with a requiring every his loving subjects, howsoever affected or aggrieved, to be still in the meantime, and to have an eye to foreign foes. But the chief drift of this proclamation indeed was, to avert the people from seeing that this surprise of his person was by catholics only, but, as is said, by an omnigatherum of loyal subjects; so much did it touch all other partialities, and so little, or not at all, the catholic; whereby either to save the realm from present tumult, or, if it *would* tumult, to do it upon so many confused causes, as that the catholic party, being least in note by the proclamation, and yet all in all in this action, might be the less aimed at: and for having the king, with a special part of the nobility and council, in our hold, we might, in that general confusion, effect our designs the better.—It was long, and he read but here and there of it to me, for that he was then in haste: but it sounded to my conceit politic, and to good purpose all. The fault that was, was in the style, which might soon be mended. And this proclamation was all the good thing I yet saw, as toward the use

There was, after all this, a motion made amongst us, to wit, Mr. Brooke, Mr. Markham, and myself, what nobleman were fittest to have the managing of the matter; but, in conclusion, none was moved to it that I knew of, save only my lord Grey of Wilton; which came upon occasion of speech my lord Cobham had with Mr. Brooke, his brother, that [he] was to procure him a pension of £1000 of the Spaniard; that he was to deal, or had dealt, for £10,000 of yearly pension from the same king, to be paid to the lady Arabella; and yet withal that nothing was to be done well, until the king and his cubs (to use his words delivered unto me by Mr. Brooke) were all taken away: and also he said that the lady Arabella were a fit match for my lord Grey, who might come to be our king by that means. This was the first occasion, as I take it, of my lord Grey's entrance into that action: but when first Mr. Brooke, and afterwards Mr. Markham, had motioned it unto him, to sound his mind, they told me both, as I remember, that he made it strange, as a matter impossible for him to obtain: and so they left it off, and proceeded to their former discourse of the time and means, how best they might effect what was intended.

The manner of proceeding intended for taking of the king was thus:—upon midsummer day, at night, or the next night after, about ten or eleven o'clock, the companies, dispersed into divers places of the city and suburbs, should meet together at some such place and hour, as the lord Grey, sir Griffin Markham, and others that were to be leaders of them, should appoint. My lord Grey, as sir Griffin told me, said a hundred men would do it: the same mind was Mr. Copley of, and with a smaller number. I referred all those things to them, and had no dealing in it, as unfitting for me:[1] but Mr. Markham himself was of opinion that under five hundred men it could not be done, unless they should intend and make a sudden murder and massacre of all before them; which one hundred would serve for: but, to avoid bloodshed, the greater number the less danger, or cause of it; for that one hundred might be abroad in the town of Greenwich (which was the place most intended), to keep all in; another hundred for the Tower; a third for the boats and water-gate; the fourth for the other gates and passages; and the fifth to enter into the lodgings of his majesty and his nobles.

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of the action. He discoursed unto me also of the form of the parliament, which should be holden; and how, through his being possessed of the broad seal, and our having the king and the chief of the nobility and council in our power, we might furnish the house with only our friends, and consequently any thing to pass therein what we listed." Original, in the State Paper Office.—*T.*]

[1] [This is confirmed by Copley, who says, "the menage thereof not appertaining to men of his coat, . . . . he referred that point to sir Griffith Markham and me." Answers, August 1. Original, in the State Paper Office.—*T.*]

Divers opinions were about this fact, how to effect it; some of them that had been soldiers judging one way, some another, more fit. My lord Grey, as I take it, said there was no difficulty at all in taking of the Tower: but, I know not how, Mr. Copley said it might be best taken in the morning, by thrusting in upon the sudden, and killing up the watchmen, or seizing upon them, and so let in the rest. Mr. Brooke, or Mr. Markham (I know not well whether), said, the best way were, presently after they had seized upon the king's person, and others of his lords that should have been sent prisoners to the said Tower, to take off the coats of a certain number of the guard (which they supposed of necessity must be killed at the first entrance of the court, to make the way clear); and then their coats to be put upon others of their own company; and the lord admiral sent with them, together with my lord Cecil, my lord keeper, my lord treasurer, my lord chief justice, and all others that should escape the slaughter; and all [to] be gagged and threatened by the way, yea, and stabbed or shot through presently, if they made any sign of resistance, or craving aid. And so, when they were entered the Tower, by my lord admiral's authority from the king, or in his majesty's name, that then they should presently shoot or kill the lieutenant of the Tower, and set up another in his place; and the rest, in the mean space, to be on the water with his majesty, ready to land, upon the sign or token given of quiet possession; or otherwise, if they failed, then to post to Dover (which was thought surest) or some other place, where they might be most secure, until they had gotten officers established by his majesty both for court and country, sea and land.

The officers named (so many and as far as I can remember) were these:—my lord Grey for the Isle of Wight; sir Richard Leveson, the vice-admiral, as I remember, for lord high admiral of England; sir Thomas Tresham for lieutenant of the Tower; sir Griffin Markham for earl marshal; the knight-marshal to remain in his place as he was; sir Griffin Markham's eldest brother, save one next himself, for captain of the guard; Mr. Copley for secretary; Mr. William Paget for lord chamberlain; Mr. Charles Paget for master of St. John's; Mr. George Brooke for lord treasurer; myself (which I blush at) for lord keeper;[1]

1 [This, however, seems to have met with opposition. Copley, having described the proclamation, and the plan for packing the parliament, which I have mentioned in a preceding note, thus continues his account:—"All this I liked well, save his chancellorship, which (he being a catholic priest), I told him, would be generally distasted of the realm; and besides, greatly it contradicted the wit of the proclamation, which would have catholics see, and not be seen: concluding, that I thought it much better for the good speed of our business, as yet protestants to bear all the *hand* in it, so long as we were the

Mr. doctor Dunne, as I remember, for lord president of York; Mr. Bluet for lord president of Wales:[1]—all these laymen to have been created lords of honour; and, besides them, old Mr. Markham for earl of Leicester; Mr. Sheldon lord of I know not what place; and the lords of honour, that already are, to have been advanced to higher dignities, as, the earls of Cumberland, Westmoreland, and Northumberland, to have been created marquesses or dukes; the lords Morley, Mounteagle, Dacre, Wharton, Windsor, Dudley, Chandos, and others, to have been created earls and viscounts; and so of others, as in his majesty's wisdom should seem meet, by advice of his learned council. But these things were spoken of only at random, as motioned first, as I remember, by sir Griffin Markham, and upon supposition that it were in vain to have sought for redress and reformation of the state, by removing of those from authority under his majesty which should be found faulty, unless some order were taken withal for establishing a new rank, as well of nobility as counsellors, and those such as, by their wisdom, government, and affable conversing with all men, together with their innate loyalty to our sovereign and their country, might be found fittest both for the safety and preservation of his majesty's royal person, and also for resisting of all Spanish or other foreign foes; and withal to have justice done, without partiality, to every one; and that neither English should be borne down by Scots, nor Scots kept under foot by the English, nor either of these to domineer over the Irish, further than, in justice for their deserts, and fitting to political government, should in his princely wisdom seem meet, upon information given of the qualities of the persons, and affections of the people towards them.

It was further intended that, after they had been all safely in the Tower with the king, whither Mr. Brooke and myself intended to have come betimes the next morning, that then, and presently thereupon,

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*arm.* Marry, hereafter, when in a settled state, catholics, through God's goodness, might be equal with the protestant. Then, well and good, methought, that office might beseem a catholic priest; it having, in times past, been for the most part appertaining to that coat. But not all my reasons could persuade him in this point, so many were his to the contrary." Answers, Aug. 1. Original, in the State Paper Office.—*T.*]

[1] Few or none of all these, unless sir Griffin Markham and myself, ever knew what was intended for them; and therefore guiltless of any crime. Yea, Mr. Copley, by name, desired to be always employed in wars for the king; and sir Griffin Markham and myself intended (by vow on my part) a pilgrimage to Jerusalem, after all were settled:—therefore no ambition but for to settle things for the time, and then give over those offices to others. Marg. note.—[The reader will remark that the real distribution of offices here given is widely different from that, which, on the authority of Cecil, has generally been received. See Caley, i. 360.—*T.*]

the lord mayor of London, together with all his brethren, the worshipful aldermen and chief citizens of every ward, should have been sent for, and there kept prisoners also, until they had put in their eldest sons, or nearest of their blood, for hostages of their loyalty and allegiance to his majesty (because of the continual murmuring that, for a while, was amongst the Londoners, every one looking when they, or the country, or nobility of England in general, would have rebelled and risen in arms, some for religion, others against the Scots, others for other competitors, &c.:—for avoiding whereof, and for more safety both to the king and his realm, without any bloodshed, or less than probably could have been otherwise, it was intended also to have sent for all the nobility of England, Scotland, and Ireland, and out of them all to have culled a certain number of the most choice persons out of every shire, that might be thought dangerous either for letting in of Spaniards, French, Flemings, Danes, or any other that, upon chance and change of times and reigns, betray the land; or yet that might be of power and like enough to raise commotions and rebellions within the land:—and these also should, for that cause, put in hostages for their loyalty, of what religion soever they were:—and all this done, then his majesty to go at liberty in progress, when and where it pleased him best. But none of these things were concluded on.[1]

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[1] [Copley, in his Declaration of July 15, 1603, adds some other particulars. "The use of all this action," he says, "was meant in general for the freedom of catholic religion throughout the realm; not in suppression of the protestant, but to stand and abide in paragon with it; and that without blood, as near as might be. And as for the particulars thereof, thus, for my part, was my opinion, which Mr. Watson seemed to approve:—His majesty to engage into the hands of catholics the tower of London, the forts of Berwick, Plymouth, Portsmouth, the castles of Dover, Arundel, with what others we should have thought fit; those to be maintained by us at his majesty's charges:—Secondly, yearly hostages to be put into our hands by his majesty, for the space of seven or ten years, for the free use of our religion; and those to be kept by us in these forts:—Thirdly, catholics to have equal place, office, and estimation, both in council, court, and country, with protestants; and the penal laws against our religion to be abrogated:—Fourthly, certain privy counsellors to be displaced, and catholics chosen into their rooms:—Fifthly, his majesty's special pardon for this our presumption. And thus, upon his majesty's present performance of these articles in part, and the rest upon his royal word, the next parliament to be forthwith called, and, in the mean time, forts and hostages delivered unto us by his majesty, for the performance of all this. Then his majesty, the nobility, and council to be presently quit, and so to be *in statu quo prius*. What sir Griffin's form was he delivered not to me: but Mr. Watson's seemed to be as though catholic religion should be so absolutely put up, as the protestant to be absolutely put down, with retortion of the penal laws upon them: and some, he said, had advised it otherwise." (Original, in the State Paper Office.) Three days later, however, Copley explained this concluding passage:—"Mr. Watson's reason for the absolute erection of catholic religion, with suppression of the protestant (at least in Scotland) was this, that such the king's

And this is the very sum of all I can remember. As for the number that every one of these have talked withal, or what they have said, or where the parties are, it is impossible for me to tell; it being so that every one kept his number and their names to himself (though some indeed promised to bring hundreds, some thousands, and not one in truth, to my knowledge, brought one half score against the day appointed), and took it upon their oaths not to discover their friends' names, until the day and time appointed of meeting together, which never came. The like is of any other acts, plots, or intendments, either by sir Walter Raleigh, my lord Cobham, or any other, which I am altogether ignorant of, save only in general that I have often heard both Mr. Brooke and others affirm that they were wholly for the jesuits, or Spanish faction, and that he durst not trust to either of them in any thing.

And so, to make an end, attesting, *in verbo sacerdotis,* that this is a true relation of as much as I know, and in the very manner and form as I knew it, concerning these matters, my poor and hearty prayer is unto Almighty God, first, that never any act, wish, nor intend worse against his majesty's crown and state than I ever did, and will do to death: secondly, that his majesty, excelling all princes in the world for mercy (as I have ever proclaimed), may vouchsafe to deal mercifully with me and the rest,—all void (to my knowledge) of the least evil thought against his royal person, crown, or state, otherwise than as I have here truly and with sorrow of heart related; humbly acknowledging that, howsoever sincere our intents were, yet the act intended was evil, the circumstances considered; and do wish with all my heart that (as I hope it will) hereafter it may for ever be a warning to all others to avoid for ever the like attempts, intents, and practices, and let God work his will, who hath a stroke in all human actions, but most of all in his care of princes: thirdly, might I speak it without offence, your honours, I doubt not of it, may make great advantage of our evil, as well for the securing of his majesty's state, person, and commonwealth, ever hereafter, as also for sifting out of others that have more dangerous plots in their heads another way; and therewithal may, in your wisdoms, prevent the evils to come unto you or this realm: lastly, I humbly now beseech your honours, even for God's sake, to procure some speedy riddance of me out of the way, and that, as I acknowledge I have

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pleasure from us, in our hold, being once notified into that realm, at the first but by proclamation, till a parliament, it would by all likelihood make it tumult within itself, whereby not to recur to the king's rescue here, at least before such time as we should have settled our business with him, and so quit his majesty again." Copley's Additions to his Declarations, July 18, 1603. Original, in the State Paper Office.—*T.*]

deserved death (the case standing as now it doth), so yet his majesty's mercy being able to extend itself further in pardoning, than my offences in deserving of punishment, it would please him, at your honourable motion and humble request for me, to have mercy on me. To die I may not desire it; but, prostrate on my knees, call still for mercy and pardon, remaining in this anguish of heart I live in. And to live in this miserable estate and confusion of mind I am in, in solitary prison, it would endanger me of losing quite my senses. It remaineth then only for me to expect the extent of his majesty's mercy, by adjudging and condemning me to perpetual exile, from ever being heard of again in court or country, town or city; but to live in some obscure place, unknown to myself, if it were possible, within the land; where I may spend the residue of my wretched days in tears, and leave mine enemies to laugh me to scorn, at their pleasure, when I am gone. If, by your honourable means, I may be thus much favoured, I shall think myself the happiest man alive, even in the depth of my misery; and howsoever I be unworthy of it, yet is it honourable in you to plead for me, and to his majesty's eternal fame and glory thus graciously to deal with me, My wretched death can do no man good; but my sorrowful life, thus prolonged by liberty in the poorest manner, may and will notify to all the world his majesty's powerable pardon, and your honours' noble minds, in taking compassion of my afflicted state and extreme misery. In expectation whereof I rest

Your honours' most comfortless,
To be bound or set free by you,
WILLIAM WATSON.

*** *Barneby's Attestation in favour of Bartholomew Brokesby, October,* 1603.

[Original, in the State Paper Office.]

In Easter term last, about the twentieth of June, Mr. Bartholomew Brokesby being, for his needful affairs, in London, there came to his chamber, at Islington, one William Watson, now prisoner in the Tower, who began to unfold a plot, which, as he pretended, the puritans had laid against his majesty, for the easier effecting their hard designs against catholics: wherefore he told this gentleman that it were fit for him, and other catholic gentlemen, to be in a readiness with their forces, by a day appointed, both for the defence of his majesty's life against the puritans, as also for working their own freedom from their former oppressions. And because some of the old council, as he said, sought to abuse his majesty's good nature, it should be good that some principal gentlemen

should present themselves before his majesty, and humbly beseech him to take himself, for his better security, unto the Tower, until those of the old council should be displaced, and others for them planted. For the better acting hereof, the said Mr. Watson shewed to this gentleman the form of an oath for those that should be actors in these affairs, which was, to swear them to be true to the king, and to keep secret this plot; which oath Mr. Brokesby copied, albeit he never took the same, nor allowed nor approved this plot, but sought to have the same prevented so much as in him lay: reserving ever that he himself would not overtly be seen to detect the same, thinking it would have caused his hinderance someway, and have much hurt his reputation,—first, because Mr. Watson, in time of her majesty lately dead, had been his friend in some of his troubles;—secondly, for that the same Mr. Watson had ever made show of peculiar friendship unto him and his family, moving for his eldest son a very honourable marriage:—yet, for that his love and loyalty to his prince, and care for his safety, overpoised all respect of those other private deserts, Mr. Brokesby left this matter to be revealed by Mr. Barneby, prisoner in the Clink, and one of Mr. Watson's own sort, who, about that time, opened the matter to the bishop of London first, then after, to divers of the council together: and so Mr. Brokesby his care of his majesty and the state's good was herein showed, and his own reputation and credit with the world together saved. By which it shall plainly appear, if Mr. Barneby be examined and put to his oath, that Mr. Brokesby hath rather deserved favour of his majesty and the state, than thus to be indicted for not opening the plot by himself, as the rigour of the law requireth, and so, consequently, in lieu of his loyal care, to be endangered, as now he is, of his whole estate, and life perhaps, through ignorance of the statutes.

Yet did he disclose Watson s lodging, and brought to light those his writings, which gave greatest light to this plot. * * *

Furthermore, after Mr. Brokesby had acquainted Mr. Barneby with Mr. Watson's lodging, so to have all danger prevented by Mr. Watson's apprehension, if otherwise he would not be drawn from those dangerous and scandalous attempts, sir Charles Barneby, before the proclamation against Mr. Watson, offered to have brought Mr. Watson to some of the council (if so they held him a dangerous member): but the magistrate, to whom this offer was made, refused to give any warrant for his apprehension; which made both Mr. Brokesby, Mr. Barneby, and all others more fearful to meddle against Mr. Watson, for fear of harm to themselves.

The papers before mentioned contained a discourse against those,

whom Mr. Watson meant to have removed; and Mr. Barneby delivered a copy thereof to the lord of Kinlosse,[1] as he was by the same lord commanded, because Mr. Watson's hand could not be read. These papers were, by Mr. Brokesby's direction, taken at one Mrs. Alcock's house in Westminster, where Mr. Watson was indebted; and Mr. Brokesby got them at the coronation, at which time he would in person have offered them himself, to have disclosed all his dealings with Mr. Watson, but that already the matter was sufficiently made known.

That this in effect is true I do testify with the subscribing of my hand, FRANCIS BARNBYE.[2]

*** *Extract from Gerard's MS. Account of the Gunpowder Plot.*

[Copy belonging to the Rev. Geo. Oliver, 75, 76.]

As for that matter of Watson's, thus much I can say, upon my knowledge, that, when the plot was revealed unto father Gerard, to have his counsel and furtherance therein, he first refused absolutely to meddle in the matter, and wished the other party to desist himself, and to dissuade others from it, as a thing absolutely unlawful, and many ways hurtful: then presently, for better prevention thereof, he sent to London, of purpose, both to inform his own superior, father Garnet, and the archpriest Mr. Blackwell; wishing they would presently forbid all their acquaintance from entering into the cause, and to stay it what they could: by which course he thought he had done sufficient to hinder the proceeding of the matter; not knowing then that any others were interested therein, but those few catholics, from whom and of whom he had heard it. But afterwards, understanding again that the intention did go on, and that they were to be at London, at midsummer, to effect their intent (which was, to apprehend the king's person, as he should be hunting in a park), and seeing that midsummer was then at hand, and the time so short that he feared much no warning to the parties themselves would be sufficient to stay them, he then, to be more sure of the safety of his majesty's person, made known the whole intention unto one of his majesty's servants, a Scottish gentleman, and a catholic, and as such well known unto his majesty; who presently made haste unto the court, to open the matter unto the king himself, but found it was known the day before he came; and so spake nothing of it, being not then needful, nor he willing, without cause, to

[1] [In consequence of a mistake in the collation of the MS., this name is, in a preceding page (xli.), erroneously printed "*Glenluce*".—*T.*]

[2] [The last sentence, with the signature, is in Barneby's handwriting: the rest of the paper seems to have been drawn out by a clerk.—*T.*]

be acknown of his acquaintance with father Gerard: for which cause also I do here suppress his name; but if occasion were, I doubt not but he would be willing to bear witness with what care and fidelity the said father Gerard did seek to prevent the danger to his majesty:—all which having heard from father Gerard himself, upon his protestation, to be true in every point, as I have here related,[1] I do the rather set it down, because he was one of the three afterwards most wrongfully accused of this other and more pernicious conspiracy (the Gunpowder Plot), whereof he had not so much as the least knowledge, as will afterwards more plainly appear.

No. II.—(*Referred to at page* 8.)

*** *Examination of Guido Faukes, taken Nov.* 25, 1605.

[Abbott's Antilogia, 161.]

He saith that Thomas Winter told him that, the year before the late queen died, he was sent by Catesby and others into Spain, with a certain jesuit named Tesmond, but commonly called Greenwell, in order to propose to the Spanish king to send an army to Milford Haven; at which time the catholics were endeavouring to collect two thousand, or fifteen hundred horse, to join with the Spanish army: That the king of Spain promised to place one hundred thousand crowns at their disposal; whereupon Winter and Greenwell returned into England, but whether together or separately he doth not know.

*** *Examination of Francis Tresham, taken Nov.* 29, 1605.

[Extract from the Original, in the State Paper Office.]

He confesseth that he was acquainted and privy to the sending over and employment of Thomas Winter into Spain. Being demanded what other persons were privy or acquainted with Thomas Winter's employment into Spain, besides *the lord Mounteagle*,[2] Catesby, and Greenwell, whom Winter, amongst others, had, upon his examination, before named, he confesseth that father Garnet, otherwise Walley, the jesuit, and father Greenway, were by them drawn to be acquainted with Winter's employment into Spain, to give the more credit unto it.

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1 [In the present instance, there is no reason to mistrust the correctness of Gerard's general statement. At the same time, it must be acknowledged that the artifice here resorted to, and constantly repeated throughout his manuscript, not of writing anonymously, but of making his own story to appear as the evidence of a third person, is not calculated to add weight to his declarations, in a history written professedly in his own defence. The man, who, to strengthen his case, can write the truth in such a manner as to convey a false impression, is, to say the least, a very unsafe authority.—*T.*]

2 [In the original, a very studious, but not successful, attempt has been made to obliterate these words.—*T.*]

*** *The declaration of Henry Garnet, March* 23, 1606.

[Original in Garnet's hand, in the State Paper Office.]

As I remember, the first motion of the matter of Spain was between Christmas and Candlemas, the year before the queen died; and the parties named before, that is, Catesby and Francis Tresham, came some twice or thrice to me about the matter; and all was at White Webbs.

H. G.

Being requested by Mr. Lieutenant of the Tower to set down truly, as I will answer it before God, and upon my allegiance, how often I have had conference with Francis Tresham within these few years, I do here set down, for the satisfaction of his majesty and the lords, that which I will affirm to be true; that is, that the last conference with him was, as I remember, in Essex, the last summer, in the company of Catesby, at Fremlands, about July; the effect of which conference is set down in a former declaration.

He was also with me at White Webbs, once or twice in the time of the late queen, about a year before her decease; when he, Catesby, and Winter, dealt with me about the sending into Spain; *and I wrote of their business* by another way, as usually I did, to father Creswell. In confirmation of the truth, I have written this and subscribed

Henry Garnett.

*** *A Second Declaration, on the same day.*

[Original in his own hand, in the State Paper Office.]

Being required to set down what acquaintance I had with Mr. Francis Tresham, I answer that I knew him about eighteen years ago, and before; but since, discontinued my acquaintance, until the time between his trouble in my Lord of Essex's tumult, and the queen's death: in which time, he was twice or thrice with me at White Webbs, in company of Mr. Catesby, and conferred about the message into Spain, as before hath been related. *In which cause I wrote a letter to father Creswell*, by another means which I ordinarily use. 23° Martii.

Henry Garnett.

No. III.—(*Referred to at page* 8.)

*** *Examination of Guido Faukes, taken Nov.* 25, 1605.

[From the Bodleian Library. Jardine, ii. 140, 273.]

He saith that Christopher Wright had been in Spain, about two months before this examinate arrived there, who was likewise employed

by Baldwin, Owen, and Sir William Stanley, from Brussels into Spain. This examinate's employment was, to give advertisement to the king of Spain how the king of England was like to proceed rigorously with the catholics; and withal that it would please him to bring an army into England to Milford Haven, where they would assist him.

*** *Examination of the same, taken Nov.* 30, 1605.

[Extract—Ibid. and Abbot's Antilogia, 168.]

Father Baldwin told this examinate that about two thousand horses would be provided by the catholics of England, to join with the Spanish forces (horses being, of all other things, those necessaries that the Spanish force should stand in greatest need); and wished this examinate to intimate so much to father Creswell, which this examinate did; and saith that father Baldwin did write to father Creswell; which letter this examinate delivered. He saith that one Anthony Chambers, dwelling at Brussels, and chaplain to the archduke, told him that there was a catalogue made of the names of such catholics, as would assist in the business. He saith, moreover, that Creswell told him that Christopher Wright was come upon the same business; and also that Creswell wished to inform the king of Spain with the matter, which was done; and that he was then sent to the duke of Lerma, to signify his message to him; and saith that, when he left Spain, he had letters of commendation from Creswell to the Marquess Spinola; and that, after he had remained two months at Brussels, he returned into England with Thomas Winter.

*Preamble to the act intituled "An Act for the attainder of divers offenders in the late most barbarous, monstrous, detestable, and damnable treasons."*

[Stat. 3 Jac. I. c. 2.]

In most humble manner beseechen your most excellent majesty your most loyal, faithful, and true hearted subjects, the lords spiritual and temporal, and the commons in this present parliament assembled, that, whereas Arthur Creswell, jesuit, who, at the time of his profession to be a jesuit, took upon him the name of Joseph Creswell, Oswald Tesmond, jesuit, and Thomas Winter, late of Huddington in the county of Worcester, gentleman, the last day of June, in the four-and-fortieth year of the late queen Elizabeth of famous memory, at Valladolid, within the kingdom of Spain, and on divers other days, within the same

four-and-fortieth year of the said late queen, at Valladolid aforesaid, and elsewhere within the same kingdom of Spain, by the means, procurement, and privity of Robert Catesby, late of Ashby, in the county of Northampton, Esq., Francis Tresham, late of Rushton, in the said county of Northampton, Esq., and Henry Garnet, jesuit (assuming upon him to be superior of the jesuits within this realm of England), and others, being all natural-born subjects of this realm, did traitorously, and against the duty of their allegiance, move and incite Philip, then and yet king of Spain, then being at open enmity and hostility with the said late queen, with force to invade this kingdom of England; and to join with the papists and discontented persons within this realm of England, to depose and overthrow the said late queen of and from her crown, and of and from all her royal estate, title, and dignity; and to suppress and abolish the true religion of Almighty God, truly and sincerely professed within this kingdom, and to restore the superstitious Romish religion within the same; and to bring this ancient, famous, and most renowned kingdom to utter ruin and miserable captivity, under foreign power: And, for that the greatest impediment unto the same invasion would be the want of help of good horses, the said Thomas Winter, the rather to encourage the same king thereunto, was to offer to the same king, on the behalf of the papists of England, to give him assistance, presently upon the landing of his forces, with one thousand five hundred, or two thousand horses; and that, for their better accomplishing thereof, he should move the same king to furnish the papists of England with a good sum of money, to be employed, partly to provide and furnish the horses, and partly in pensions upon some such, as were to be prepared for that service: all which the said Thomas Winter did relate to the said king of Spain, who (the said kingdoms of England and Spain then standing in hostility) took that offer in very good part; saying that he would respect and account of the catholics of England (meaning the papists) as of his own Castilians; and thereupon agreed that he would make invasion, and set foot in England, about the spring next following, and would, by way of exchange, send over unto the papists of England one hundred thousand crowns, to be paid at two days agreed upon;—all which particulars are extant in the confession of some of the chief offenders: at which time, sundry papists of England did extraordinarily furnish themselves, by the traitorous and wicked persuasion and means of sundry jesuits, both with horses and armour.

But, before these things could be effected, Almighty God called the said late queen to his mercy; immediately after whose decease, that is to say, in the same month of March, wherein she departed out of this

world, Christopher Wright, late of London, gentleman, was employed by the said Robert Catesby, Francis Tresham, Henry Garnet, and others, into Spain, to negotiate with the said king of Spain, by the means of the said Creswell the jesuit, and others, to proceed in that invasion, which the said Thomas Winter had before negotiated with him: and afterwards, on the two-and-twentieth day of June, in the first year of your majesty's reign over this realm of England, Sir William Stanley, knight, Hugh Owen, Esq., William Baldwin, jesuit, and others, did, by and with the traitorous procurement and consent of the offenders aforesaid, from and out of Flanders, in the parts beyond the seas, under the government of the archduke, traitorously employ and send Guy Faukes, late of London, gentleman, unto the said king of Spain, to negotiate with him, on the behalf of the said papists of England, for invasion to be had against this realm of England, to the same effect as was committed to the said Christopher Wright, as is aforesaid; and the said Guy Faukes and Christopher Wright, though they had all the furtherance of the said Creswell the jesuit, that he could give, yet finding no such entertainment with the said king (who, as by the sequel appeareth, grew into detestation of the said propositions and negotiations) as they expected or desired, but being wholly disappointed of all their hopes concerning that matter, the said Robert Catesby, and divers other persons within this realm, did send over the said Thomas Winter into the said country of Flanders, to procure the said Guy Faukes, a natural-born subject of this realm, and yet a most traitorous, desperate, and bloody minded person, then serving as a soldier in the Low-Countries, to come over into this realm, and by and with the traitorous conspiracy and consent of the said Henry Garnet, Oswald Tesmond, John Gerard, and other jesuits, and Thomas Percy, late of London, Esq., John Wright, late of London, gentleman, the said Christopher Wright, Francis Tresham, Robert Winter, late of Huddington aforesaid, Esq., John Grant, late of Norbrook, in the county of Warwick, Esq., Ambrose Rookwood, late of Stanningfield, in the county of Suffolk, Esq., Everard Digby, late of Goathurst, in the county of Buckingham, knight, Robert Keyes, late of London, gentleman, and Thomas Bates, late of London, yeoman, to undertake the execution of the most wicked, barbarous, execrable, and abominable treason, that ever could enter into the heart of the most wicked man, by blowing up with gunpowder the house of parliament, at such time as your most excellent majesty, and your dearest consort the queen, and the most noble prince Henry, together with the lords spiritual and temporal, the judges of the realm, and the knights, citizens, and burgesses of parliament, should be in the parliament house assembled (for which most

traitorous and barbarous purpose, there were secretly laid in a vault or cellar under the parliament house thirty-six barrels of gunpowder, or thereabouts), to the utter overthrow and subversion of the whole state of this flourishing and renowned kingdom, if God, of his infinite mercy, had not most miraculously, by your majesty's blessed direction, discovered the same, in finding out the said barrels of gunpowder in the said vault or cellar, but few hours before the time appointed for the execution thereof. All which most heinous, horrible, and damnable treasons are most manifest and apparent, by the voluntary confessions and acknowledgments of the offenders themselves.

## No. IV.—(*Referred to at page* 9.)

### *A Proclamation commanding all Jesuits, Seminary Priests, and other Priests to depart the realm. Feb.* 22, 1604.

[Wilkins, iv. 376.]

Having, after some time spent in settling the politic affairs of this realm, of late bestowed no small labour in composing certain differences, we found among our clergy, about rites and ceremonies heretofore established in this church of England, and reduced the same to such an order and form, as we doubt not but every spirit, that is led only with piety, and not with humour, shall be therein satisfied, it appeared unto us, in the debating of those matters, that a greater contagion to our religion, than could proceed from those light differences, was imminent by persons common enemies to them both, namely, the great number of priests, both seminaries and jesuits, abounding in this realm, as well of such as were here before our coming to this crown, as of such as have resorted hither since; using their functions and professions with greater liberty than heretofore they durst have done, partly upon a vain confidence of some innovation in matters of religion to be done by us, which we never intended, nor gave any man cause to expect, and partly upon the assurance of our general pardon, granted, according to the custom of our progenitors, at our coronation, for offences past in the days of the late queen; which pardon many of the said priests have procured under our great seal; and, holding themselves thereby free from the danger of the laws, do, with great audacity, exercise all offices of their profession, both saying masses, persuading our subjects from the religion established, and reconciling them to the church of Rome, and, by consequence, seducing them from the true persuasion, which all subjects ought to have of their duty and obedience to us. Wherefore, for as much as, by way of providence, to preserve their people from being corrupted in religion,

piety, and obedience, is not the least part of royal duty, we hold ourself obliged, both in conscience and in wisdom, to use all good means to keep our subjects from being infected with superstitious opinions in matter of religion, which are not only pernicious to their own souls, but the ready way and means to corrupt their duty and allegiance; which cannot be any way so surely performed, as by keeping from them the ministers and instruments of that infection, which are the priests, of all sorts, ordained in foreign parts, by authority prohibited by the laws of this land; concerning whom, therefore, we have thought it fit to publish to all our subjects this open declaration of our pleasure:

That where there be of priests, at this present, within our kingdom (be they regular, or without rule), divers sorts, some in prison, some at liberty, and, of both, some having obtained our pardon under our great seal, and some having no such pardon; and again, some that were here before our coming into this realm, and some come hither since;—for all such as are in prison, we have taken order that they shall be shipped at some convenient port, and sent out of our realm, as soon as possible may be, with commandment not to return again into any part of our dominions, without our license obtained, upon pain and peril of the laws being here in force against them: and for all others, who are at liberty, whether having sued out our pardon or not (which we do advertise them, and all our subjects, that, extending only to matters done before the death of the late queen, [it] doth not exempt any priest from the danger of the law, for his abode here, since our succession to the crown, above the time by the statute limited),

We do hereby will and command all manner of jesuits, seminaries, and other priests whatsoever, having ordination from any authority by the laws of this realm prohibited, to take notice, that our pleasure is, that they do, before the nineteenth day of March next ensuing the date hereof, depart forth of our realm and dominions; and that, for that purpose, it shall be lawful to all officers of our ports, to suffer the said priests to depart from thence into any foreign parts, between this and the said nineteenth day of March; admonishing and assuring all such jesuits, seminaries, and priests, of what sort soever, that, if any of them shall be, after the said nineteenth day, taken within this realm, or any our dominions, or, departing now, upon this our pleasure signified, shall hereafter return into this realm or any our dominions again, that they shall be left to the penalty of the laws, here being in force concerning them, without hope of any favour or remission from us.

Wherefore we will and command all archbishops, bishops, lieutenants, justices of peace, and all other our officers and ministers whatsoever,

to be vigilant and careful, after the said nineteenth day of March next, to do their duties and diligence in discovering and apprehending of all priests that shall remain here, contrary to this our declaration: which though, perhaps, it may seem to some to presage a greater severity towards that sort of our subjects, who, differing in their profession from the religion by law established, call themselves catholics, than, by our proceedings with them hitherto, we have given cause to expect; yet doubt we not, but that, when it shall be considered with indifferent judgment, what causes have moved us to use this providence against the said jesuits, seminaries, and priests, all men will justify us therein. For to whom is it unknown, into what peril our person was like to be drawn, and our realm unto confusion, not many months since, by a conspiracy first conceived by persons of that sort, who, having prevailed with some, had undertaken to draw multitudes of others to assist the same, by the authority of their persuasions and motives, grounded chiefly upon matter of conscience and religion?—which when other princes shall duly observe, we assure ourselves they will no way conceive that this alteration groweth from any change of disposition, now more exasperate than heretofore, but out of necessary providence, to prevent perils otherwise inevitable; considering, that their absolute submission to foreign jurisdiction, at their first taking of orders, doth leave so conditional an authority to kings over their subjects, as the same power, by which they were made, may dispense at pleasure with the straitest band of loyalty and love between a king and his people. Amongst which foreign powers, although we acknowledge ourselves so much beholden to the now bishop of Rome for his kind offices, and private temporal carriage towards us in many things, as we shall be ever ready to requite the same towards him (as bishop of Rome, in state and condition of a secular prince), yet, when we consider and observe the course and claim of that see, we have no reason to imagine, that princes of our religion and profession can expect any assurance long to continue, unless it might be assented, by mediation of other princes christian, that some good course might be taken (by a general council free and lawfully called) to pluck up those roots of dangers and jealousies, which arise for cause of religion, as well between princes and princes, as between them and their subjects; and to make it manifest, that no state or potentate either hath or can challenge power to dispose of earthly kingdoms or monarchies, or to dispense with subjects' obedience to their natural sovereigns: In which charitable action, there is no prince living, that will be readier than we shall be, to concur, even to the uttermost of our power, not only out of a particular disposition to live peaceably with all states and princes of christendom,

but because such a settled amity might, by an union in religion, be established among christian princes, as might enable us all to resist the common enemy. Given at our palace at Westminster, the 22nd day of February, in the first year of our reign of England, France, and Ireland; and of Scotland the seven-and-thirtieth.

## No. V.—(*Referred to at page* 9.)

### ** *Instructions from the Nuncio at Brussels to Dr. William Gifford, Dean of Lisle, August* 1, 1603.

[MS. in the English College at Rome, Scritture, iii. 17.]

Octavius, Dei et apostolicæ sedis gratiâ episcopus Tricaricensis, S. D. N. Clementis VIII., ejusdemque Sanctæ Sedis in Belgarum provinciis, civitatibus, et locis omnibus nuncius, cum potestate legati de latere, et regnorum Angliæ, Scotiæ, et Hiberniæ viceprotector, dilecto nobis in Christo Gulielmo Giffordo, presbytero, sacræ theologiæ doctori, insignis ecclesiæ collegiatæ D. Petri Insulensis decano et canonico, salutem in Domino sempiternam.

Exponi nobis nuper fecisti, quòd tam pro zelo tuo erga religionis catholicæ augmentum, quàm erga obsequium serenissimorum principum tuorum, regis et reginæ Angliæ, decreveris in Angliæ regnum proficisci, ibidemque aliquandiù commorari, ideoque humiliter nobis supplicasti quatenùs te nostris literis honorare dignaremur. Quapropter considerantes tua erga sedem apostolicam merita, nobis jamdudum compertissima, et confisi prudentiæ et discretioni tuæ, quas in majoris momenti negotiis, functionem tuam et sanctæ sedis obsequium concernentibus, sæpiùs experti sumus, teque his nostris literis munire volentes, reverendissimo in Christo dilecto domino Georgio Blackwello, regni Angliæ archipresbytero, omnibusque et singulis quorum interest, vel interesse poterit, per præsentes notum facimus, quòd tu, tam pro tuâ erga sanctam sedem apostolicam reverentiâ, quàm erga serenissimos tuos principes, regem et reginam Angliæ, fidelissimâ affectione et religionem catholicam promovendi desiderio, nobis semper charus fuisti. Ideo dignum duximus ut tibi nomine nostro mandaremus, quatenùs cum in regnum Angliæ salvus (quod optamus) perveneris, illud imprimis et ante omnia præ oculis habeas, ut pacem, unionem, et concordiam inter dissidentes catholicos (si quæ fortè dissentionis reliquiæ maneant) componere coneris, utque nomine nostro, imo potiùs apostolico, horteris, ut, non alta sapientes sed humilibus consentientes, unanimes in domo Domini ambulent, religionis catholicæ augmentum sincerè et apostolico modo procurent, principibus suis amorem ac deverebitam rentiam atque obedientiam exhibeant, ut conversationis

sanctæ et timoratæ inimici nostri sint judices; tum deinceps ut omnes, qui nomine catholicorum gaudere volunt, in Domino horteris ut nihil committant quod pacem publicam turbare, principes et magistratus offendere, religionem nostram odiosam et suspectam reddere possit, sed ut quæ sunt Dei Deo reddant, ut quæ sunt Cæsaris Cæsari non subtrahant, quæ statum concernunt religionis negotio quod alienum ab eo est non permisceant, ne tanquam seditiosi et proditores patriæ (quod in omnibus turpe, in ecclesiasticis crimen, est, et nefarium flagitium) puniantur, sed, si pro nomine Jesu contumeliam patiantur, gaudium reputent et lucrum. Volumus insuper et tibi mandamus ut, si commodè et sine offensione regis serenissimam ejus conjugem convenire poteris, illi nomine nostro significes S. D. N. regiam majestatem omnibus paternæ pietatis officiis, prout occasio sese obtulit, semper coluisse, nihilque prius in votis habere quàm eundem regem, quem Deus pro infinitâ suâ bonitate, serenissimæ felicis memoriæ matris ejus precibus, ad amplissimum regnum terrenum evexit, ita in hoc mundo mystico ejus corpori, quod est ecclesia, incorporatum cernere, ut regnum sempiternum consequatur; et paratissimum esse omnia ea, pro suâ in catholicos authoritate, facere, quæ serenissimæ suæ majestati securitatem suæ personæ et statûs procurare possunt, eosque omnes è regno evocare, quos sua majestas rationabiliter judicaverit regno et statui suo noxios fore; nihil denique velle omittere eorum officiorum quæ sanctissimi ejus predecessores erga serenissimos reges Angliæ, optimè semper de sede apostolicâ meritos, exhibuerunt; ut tandem serenissimus rex clarè perspiciat quantis paternæ charitatis visceribus S. D. N. regiam majestatem complectatur, cupiatque omnibus quibus poterit modis honorare, ut longam vitam, quietum regnum, populum fidelem, et tranquillum statum obtineat. Denique, ita teipsum gerere in omnibus desideramus ut virum ecclesiasticum decet, qui, apud sedem apostolicam enutritus, mores et pietatem illius sedis à teneris annis imbibisti, et qui longâ et diuturnâ conversatione in urbe conscius es quantis votis et suspiriis beatissimus pater bonum et felicitatem illius regni desideret, quod prædecessores ejus ob singularia in sedem apostolicam merita unicè coluerunt. Proindè satagito, ut in tuâ conversatione eluceat eò tantummodo tendere S^i. D^i. N^i. in alendis et enutriendis seminariorum alumnis liberalitatem, ut Christo Domino animas lucretur, et per omnimodam principum obedientiam felicissimum regni illius statum procuret. Quod Christus Dominus pro suâ misericordiâ concedere dignetur. Datum Bruxellis in palatio nostro, anno 1603, kalend. Augusti.

Octavius, episcopus Tricaricensis, etc. etc.

## No. VI.—*(Referred to at page 21.)*

*** *A Proclamation for the authorising and uniformity of the book of common prayer, to be used throughout the realm. March 5,* 1604.

[Wilkins, iv. 377.]

Although it cannot be unknown to our subjects, by the former declarations we have published, what our purposes and proceedings have been in matters of religion, since our coming to this crown, yet the same being now by us reduced to a settled form, we have occasion to repeat somewhat of that which hath passed; and how, at our first entry into the realm, being entertained and importuned with informations of sundry ministers, complaining of the errors and imperfections of the church here, as well in matter of doctrine as of discipline, although we had no reason to presume that things were so far amiss as was pretended, because we had seen the kingdom, under that form of religion which by law was established, in the days of the late queen of famous memory, blessed with a peace and prosperity, both extraordinary and of many years continuance (a strong evidence that God was therewith well pleased), yet, because the importunity of the complainers was great, their affirmations vehement, and the zeal, wherewith the same did seem to be accompanied, very specious, we were moved thereby to make it our occasion to discharge that duty, which is the chiefest of all kingly duties, that is, to settle the affairs of religion, and the service of God, before their own; which while we were in hand to do, as the contagion of the sickness, reigning in our city of London and other places, would permit an assembly of persons meet for that purpose, some of those, who misliked the state of religion here established, presuming more of our intents, than ever we gave them cause to do, and transported with humour, began such proceedings as did rather raise a scandal in the church, than take offence away: for both they used forms of public serving of God not here allowed, held assemblies without authority, and did other things carrying a very apparent show of sedition, more than of zeal; whom we restrained by a former proclamation, in the month of October last, and gave information of the conference we intended to be had, with as much speed as conveniently could be, for the ordering of those things of the church; which accordingly followed, in the month of January last, at our honourof Hampton Court, where, before ourself and our privy-council, were assembled many of the gravest bishops and prelates of the realm, and many other learned men, as well of those that are conformable to the state of the church established, as of those that dissented; among whom what our pains were, what our patience in hearing and replying, and what the

indifferency and uprightness of our judgment in determining, we leave to the report of those who heard the same; contenting ourselves with the sincerity of our own heart therein. But we cannot conceal that the success of that conference was such as happeneth to many other things, which, moving great expectation before they be entered into, in their issue produce small effect: for we found mighty and vehement informations supported with so weak and slender proofs, as it appeared unto us and our council that there was no cause why any change should have been at all in that which is most impugned, the book of common prayer, containing the form of public service of God, here established, neither in the doctrine which appeared to be sincere, nor in the forms and rites, which were justified out of the practice of the primitive church. Notwithstanding, we thought meet, with consent of the bishops and other learned men there present, that some small things might rather be explained than changed; not that the same might not very well have been borne with, by men who would have made a reasonable construction of them; but for that, in a matter concerning the service of God, we were nice, or rather jealous, that the public form thereof should be free, not only from blame but from suspicion, so as neither the common adversary should have advantage to wrest ought therein contained to other sense than the church of England intendeth, nor any troublesome or ignorant person of this church be able to take the least occasion of cavil against it; and for that purpose gave forth our commission, under our great seal of England, to the archbishop of Canterbury and others, according to the form which the laws of this realm in like case prescribe to be used, to make the said explanation, and to cause the whole book of common prayer, with the same explanations, to be newly printed. Which being now done and established anew, after so serious a deliberation, although we doubt not but all our subjects, both ministers and others, will receive the same with such reverence as appertaineth, and conform themselves thereunto, every man in that which him concerneth, yet have we thought it necessary to make known by proclamation our authorising of the same, and to require and enjoin all men, as well ecclesiastical as temporal, to conform themselves unto it, and to the practice thereof, as the only public form of serving of God, established and allowed to be in this realm: and the rather, for that all the learned men, who were there present, as well of the bishops as others, promised their conformity in the practice of it; only making suit to us, that some few might be borne with, for a time.

Wherefore we require all archbishops, bishops, and all other public ministers, as well ecclesiastical as civil, to do their duties, in causing

the same to be obeyed, and in punishing the offenders, according to the laws of the realm heretofore established for the authorising of the said book of common prayer. And we think it also necessary that the said archbishops and bishops do, each of them in his province and diocese, take order that every parish do procure for themselves, within such time as they shall think good to limit, one of the said books so explained. And, last of all, we do admonish all men that, hereafter, they shall not expect nor attempt any further alteration in the common and public form of God's service, from this which is now established: for that, neither will we give way to any to presume that our own judgment, having determined in a matter of this weight, shall be swayed to alteration by the frivolous suggestions of any light spirit, neither are we ignorant of the inconveniences that do arise in government, by admitting innovation in things once settled by mature deliberation, and how necessary it is to use constancy in the upholding of the public determinations of states: for that such is the unquietness and unsteadfastness of some dispositions, affecting, every year, new forms of things, as, if they should be followed in their inconstancy, would make all actions of states ridiculous and contemptible; whereas the steadfast maintaining of things, by good advice established, is the weal of all commonwealths. Given at our palace of Westminster, the fifth day of March, in the first year of our reign of England, France and Ireland, and of Scotland the seven-and-thirtieth, anno Domini, 1603-4.

No. VII.—(*Referred to at page* 37.)

*** *Garnet to Persons, April* 16, 1603.

[Original, Stonyhurst MSS. Ang. A. iii. 32.]

My very loving sir,

Since my last to you of the sixteenth of March, there hath happened a great alteration, by the death of the queen. Great fears were: but all are turned into greatest security; and a golden time we have of unexpected freedom abroad. Yet prisoners are kept very rudely by their keepers; belike, because there is, as yet, no authority to release them. The king's coming is uncertain. Yesternight came letters from him; but were not to be opened until this day. Great hope is of toleration; and so general a consent of catholics in his proclaiming, as it seemeth God will work much. All sorts of religions live in hope and suspense; yet the catholics have great cause to hope for great respect, in that the nobility all almost labour for it, and have good promise thereof from his majesty: so that, if no foreign competitors hinder, the catholics think themselves well, and would be loath any catholic princes

or his holiness should stir against the peaceable possession of the kingdom.

If a nuncio were addressed from his holiness, to have some conference with the king, I think it would be to good effect, and I suppose he would admit him. The council and himself will be very willing to [have] peace with Spain, which, no doubt, will be to great good: and I hope, in time, we shall have, not only Mr. Mush's "post" and "pace," but *Flush* also, to make up a good rhyme. Only, there are some threats against jesuits, as unwilling to [acknowledge] his majesty's title, ready to promote the Spaniard, meddling in matters of state, and authors, especially, of the Book of Succession. But the principal catholics, upon so long experience, have another manner of conceit, and labour to work as good a conceit also in the king and the lords, as of themselves. Jesuits also, besides their procuring to talk with his majesty in Scotland (which I know not yet whether it was effected or no; and it seemed he had, a year ago, some hard conceit), they also have written a common letter, to be shewed, as written to a gentleman of account, wherein they yield reasons why they are to be trusted and esteemed, as well as others. You shall see it, when it is gone, and know the effect.[1]

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[1] [Garnet's copy of this paper is still preserved among the Stonyhurst MSS. The reasons assigned in it, in behalf of the Jesuits, are,—1°. That Persons, in a letter to the earl of Angus, had sought "to clear himself of the Book of Succession," that he had "signified his inclination to his majesty before any whatsoever, *if* he would maintain catholic religion," and that he had spoken so affectionately of the king's mother, that three gentlemen had been imprisoned by Elizabeth, merely for having read the paper in private: 2°. That, during the last two years, the jesuits had frequently "sought means to declare their duty to his majesty, if they could have compassed it:" 3°. That, *since the death of Philip, in* 1598, *all thoughts of a Spanish succession had been abandoned, and the efforts of the jesuits had been exerted "principally for his majesty:"* 4°. That, with this view, they had constantly promoted a peace with Spain: 5°. That the pope was not likely to resort to any harsh measures with the king; and to enquire, therefore, as to the course which they would adopt, in case he "should excommunicate" him, was "like to be dishonourable to his majesty, and to give offence to a most mild pastor, without cause:" 6°. That the report, of a jesuit's having attempted the life of the king of France, was improbable: 7°. That "the jesuits had never held it lawful to kill any prince, but such as by violence had unjustly usurped a kingdom:" 8°. That some jesuits had assisted his majesty's mother, during her life, that others were now writing her history, that Persons had rendered essential services to the king himself, in his childhood, and that of the members of the society generally it might truly be said,—"take away zeal of catholic religion, which is in jesuits as in other virtuous priests," and "there is greatest security of all fidelity and loyalty in them:" 9°. Finally, that, during the life of the king's "glorious mother," the jesuits had prayed daily "for the queen of Scotland," and that "every where the like affection was always manifested towards his majesty. What a great alteration would this be," concludes the writer, "and grief of his best well-wishers, if their annals should publish his majesty abroad as alienated from those, which hoped never to deserve it!"

There are divers priests banished from Framlingham. Some of our friends are there. I wish H. Floyd [to] go to Joseph, and so I write, because he hath the language, and may be there directed by you, instead of 518, which Joseph required. One of my letters was taken lately and deciphered, by reason of the nakedness of the alphabet, and want of nulls. I will send you another; for many words were also found, and so it is not good to use the old: though, hereafter, we shall not need, I suppose, to write in cipher, if we may have toleration; for, you know, what we wrote in cipher was but to cover our business of religion.

I pray you write to Joseph of these things; for by this means I cannot. * * * It is very grateful here to catholics, to hear that Spain sought nothing here, but to set up a catholic king; and so they think it will put the king out of fear, and a happy peace will be. Thus humbly saluting you, and Claud, and all, I cease, 6 April.

*** *King James to his Ambassador sir Thomas Parry*, 1603 *or* 1604.

[Copy in the handwriting of sir Joseph Williams's secretary, in the State Paper Office.]

Accepimus, unà cum postremis tuis literis, etiam eas quas nuncius pontificis Romani, Lutetiæ jam degens, ad nos misit; itemque alias quas ad ipsum nuncium cardinalis Aldobrandinus conscripsit: cumque, in illis à nuncio ad nos literis, nonnulla pontificis ipsius nomine significentur quæ ad nos pertineant, Nos quidem hisce literis nostris temet vicissim instruendum atque informandum censuimus, quò rectiùs et commodiùs nostro nomine ipsi nuncio responsionem reddas.

Quamobrem illi declarabis de pontificis Romani honorificâ in nos sincerâque benevolentiâ, cùm in isto negotio, tùm in aliis nonnullis longè antehac, tam magna indicia atque argumenta nos accepisse, illiusque curam in omnibus periculis (domi forisve nobis imminentibus) propulsandis adeo nobis perspectam cognitamque esse, ut fateri necesse habeamus, nihil nobis eâ voluntatis significatione gratius esse potuisse, nec quenquam ipso nuncio magis idoneum aut commodiorem nobis videri, cujus operâ ad res transigendas utrinque utamur. Quanquam enim non ignari unquam fuimus quanti illius amicitia æstimanda sit (utpote principis magnâ dignitate atque amplitudine præditi), tamen animus nobis (ut verum fateamur) ancipiti curâ et dubitatione distrahebatur, sedulò cogitantibus (si quidem veræ solidæque amicitiæ tuendæ confirmandæque rationem aliquam inire vellemus) quemadmodum ea incom-

(Stonyh. MSS. Ang. a. iii. 41).—The reader will hardly be surprised to learn that Garnet, who, I believe, was the author of this paper, and who must have known the falsehood of one, at least, of its declarations, never had to inform his correspondent of its "effect."—*T.*]

moda devitare possemus, quæ sæpissimè principibus accidunt, partim imbecillitate, partim malitiâ eorum hominum, quorum opera in ejusmodi negotiis interponitur. Quâ dubitatione uti nos liberati jam sumus, interpositâ illius hominis operâ, quem cùm erga omnes rectè laudabiliterque se gessisse, tùm erga nos optimè affectum animatumque esse satis constat, sic (quò clarius et luculentius nostræ de illo rectissimæ opinionis testimonium habeat) illi nunc significabis, nobis placere ut non solùm de omnibus rebus certior fiat, quæ nostram istius regni possessionem antecessere (cujus consilii occasionem nobis præbuere tùm literæ quas ante obitum Reginæ, tùm nuncius quem à pontifice ipso quidam è subditis nostris ad nos attulit), verùm etiam ut omnia, quæ posthac inter nos ac pontificem erunt transigenda, illius fidei prudentiæque committantur:—Quæ cùm ex optimâ sincerâque mente proficiscentur, Deo, uti speramus, hominibusque probabuntur.

Quod verò attinet ad ea mandata (sive articulos), quorum particulatim Romani pontificis nomine significatio facta est,—nimirùm, de causis cur pontifex legatum ad nos non mittendum censuerit; de revocandis è regno nostro omnibus papistis sive catholicis qui animo inquieto et turbulento sint, deque iis excommunicandis qui illi morem non gesserint; de excusatione Cardinalis Aldobrandini ab eâ calumniâ, quæ circa Ducem Parmensem illi imposita est; de supplicationibus pro salute nostrâ Romæ factis; denique de certo quodam homine ex parte nostrâ designando et constituendo, quîcum nuncius ipse, ut occasio dabitur, de rebus communibus animi sui sensa consiliaque communicet,—Primùm quidem generatim nostro nomine, verissimèque affirmabis, cum benevolentiæ studiique inter principes ea summa firmissimaque sint argumenta quibus ejusmodi officia deferuntur, quæ honoris atque humanitatis partes quàm maximè attingunt, Nos eo animo esse, ut in referendâ gratiâ, paribusque officiis persolvendis, nihil unquam prætermittere aut negligere velimus, quod a rege christianoviroque probo præstari deceat.

Deinde ad res singulas separatim quod attinet, pontificis Romani consilium de legato non mittendo ità probamus, ut summo argumento et prudentiæ et benevolentiæ nobis sit, cum eam cæremoniarum solemnitatem prætermiserit, quæ fortassis rem ipsam, id est, amicitiæ jungendæ rationem, magnoperè perturbare potuisset. Neque enim sine magnâ animi nostri molestiâ prætermissuri fuissemus erga ipsius legatum ea honoris atque humanitatis officia, quæ ab aliis regibus pontificum legatis præstari soleant, neque, si ea præstari omninò vellemus, gravem offensionem effugere nobis licuisset, quæ, propter eam religionis professionem quæ aliis conditionibus nos devinxit, necessariò fuerat subeunda.

Quòd verò longè alio numero se habiturum profitetur eos catholicos, qui, religionis tantummodo studiosi, conscientiæ adhærescunt, atque illos

qui rerum perturbandarum cupidi sunt, et perniciosis consiliis atque machinationibus se dedunt,—in eo judicii illius æquitatem libenter agnoscimus; AD EAMQUE NORMAM *nos authoritatem potestatemque nostram* (quam proximè et secundum Deum in omnes subditos nostros habemus) *ita accommodabimus*, ut neque in ipsius Romani pontificis, neque in alterius cujusquam hominis, reprehensionem (qui recti sanique judicii sit) regni nostri administratio justè ac meritò incidere possit; omnesque perspiciant, quæ generatim aut particulatim facimus facturive sumus, ea non sine summâ perturbatione ac ruinâ rei, tùm privatæ tùm publicæ, à nobis prætermitti vel remitti posse: Ad quam quidem stabiliendam tuendamque, Deum ipsum testamur, nos providâ et moderatâ administratione, atque æquabili justitiæ et lenitatis temperamento omnes conatus ita adhibere, ut ipsa invidia ne minimam quidem adversus nos calumniæ causam unquam habitura sit.

Ad Cardinalem Aldobrandinum quod attinet, ejusque tùm significationem communis erga nos in civitate Romanâ studii ac benevolentiæ, tùm excusationem adversus eas calumnias, quibus de illius erga nos animo malevolo infestisque consiliis rumores sparsi sunt, illum quidem certiorem fieri volumus, alterum, propter hominum benè de nobis sentientium voluntatem, nonnullam nobis jucunditatem attulisse, in altero, curam studiumque illius ut nobis satisfaciat, omnemque dubitationem tollat, pergratum nobis esse: neque verò apud nos istiusmodi rumoribus et inventis quidquam est contemptius, non solùm propter res ipsas, cum pertentantur, inanissimas quidem et absurdissimas, sed quòd nobis incredibile videatur hominem quemquam, prudentiâ et honore præditum, tam inconsiderato animo esse, ut in hujusmodi malitiosis et in omnibus commentis studia et cogitationes velit defigere.

Denique quod propositum est de homine quodam constituendo, qui cum ipso nuncio (ut occasio postulabit) consilia conferat, facit quidem illa opinio, quam de fide et integritate ipsius nuncii concepimus, ut facilè assentiamur, impromptuque responsio sit; ob eamque causam tibi ipsi mandamus atque authoritatem concedimus, ut, omnibus temporibus (quotiescumque utrique vestrum, et quoquo modo videbitur), cum illo de rebus nostris communices:—Atque hæc quidem pro responsione satis sint ad ea, quæ ab ipso nuncio sunt allata.

Reliquum est ut illud paucis attingamus, quod ad rerum præteritarum narrationem pertinet: in quibus primo loco nobis occurrit excusatio nostra, justis de causis à nobis proponenda, quòd ad eas pontificis literas, quas subdito nostro Jacobo Lindsæo, equestris ordinis viro, ad nos perferendas dedit, hactenùs responsionem non fecerimus:—Deinde, mandata ipsa quæ Lindsæus à nobis tum temporis accepit, ipsi nuncio impertienda censemus; nec alienum erit ab illo intelligi quantum etiam ei tunc discedenti privatim concrediderimus.

Itaque illi declarabis, quemadmodùm, paucis antea mensibus quàm regina è vitâ excesserat, res processerit,—nimirum, pontificem ipsum Romanum subditum nostrum, quem paulò antea nominavimus, elegisse, eumque ad nos misisse cum literis benevolentiæ plenissimis; hanc porrò conditionem nobis ultrò detulisse, ut, quibuscumque in locis auctoritate aut viribus polleret, omnium conatibus sese opponeret, qui, quovis prætextu, jus nostrum in hujus regni possessionem impedire posse viderentur: addidisse præterea, si filii nostri curam atque educationem illius arbitrio permitteremus, eam se pecuniæ copiam in auxilium nostrum suppeditaturum, quæ ad nos in hoc regno, quod jam adepti sumus, stabiliendo abundè sufficeret.

Ad hæc, tam amicè nobis proposita et nunciata, non diffitemur nos eam responsionem reddendam censuisse, quæ, cum honori rationique esset consentanea, illius animo probaretur: ideoque nihil nobis opportunius visum est, quàm ut idem, quem ipse elegerat, responsionem nostram referret; eumque, longè ante reginæ sororis nostræ obitum, è Scotiâ confestim mittendum curavimus cum iisdem mandatis quæ, hisce literis conclusa, ad te perferentur: Unde satis poterit constare, animi nostri sensa et consilia ad pontificis Romani cognitionem longè antehac fuisse perventura, nisi morbus diuturnus illius hominis iter retardasset, atque inopinata mors reginæ interea consecuta, pariter ac noster in hoc regnum adventus, in eam opinionem illum induxisset, ut nos in mandatis, quæ vel scripto continebantur, aut ejus fidei privatim concredita sunt, quidpiam immutaturos putaret; ideoque in has regiones è Scotiâ nos secutus est, continuòque curiæ nostræ adhæsit, donec exploratissimum haberet nihil reliqui esse quod amplius illi in mandatis daretur.

Cum igitur quæcumque nunc, aut scriptis aut illius fidei commendata, secum defert, eadem prorsùs omnia in Scotiâ priùs habuerit, pontifici quidem Romano perspicacissimum fore arbitramur, nec benevolentiam erga illum nostram propterea refrixisse quòd responsio nostra tardiuscula ad illum perveniat, neque hanc fortunarum et dignitatis nostræ accessionem ullam in nobis voluntatis mutationem effecisse, quominùs omni honore atque observantiâ, quæ civilibus officiis continetur, illum prosequamur. Cumque illi subdito nostro è Scotiâ discessuro multa concrediderimus, quæ illius fidei et memoriæ potiùs quàm literis erant committenda, nobis itidem percommodum videtur, ut, tùm instructiones sive mandata, quæ illi dedimus, cum ipso nuncio communicentur, tùm etiam quidquid, pro pleniori articulorum intellectu, ejus verbis et relationi concreditum est, illud per te ipsum nuncio accuratiùs explicetur; ne, si quid fortè illi subdito nostro (ut est valetudinarius) humanitùs acciderit, aut quidpiam aliter mente animoque conceperit quàm illi traditum est, nostri instituti ratio non satis commodè intelligatur; quæ

quidem tam simplex sinceraque est, ut intimos animi nostri sensus aperiat, parique vicissim simplicitate ac sinceritate nobiscum agi credat.

Primùm igitur, quod ad eas rationes attinet, quibus adducti sumus ut à literis ad ipsum pontificem conscribendis nosmet contineremus (quas quidem rationes ejus fidei, qui à nobis mittebatur, exponendas commisimus), pares eædemque ferè cum illis sunt quas superiùs expressimus, cum pontificis consilium probavimus, quòd à legato ad nos mittendo sibi temperaret. Nam quæ inter principes literæ intercedunt, eæ tam accuratâ et diligenti trutinâ solent expendi, ut è duobus alterum esset necesse,—vel mentis nostræ conscientiam vulnerare, nostramque existimationem apud alios principes ac populos, qui eandem nobiscum religionem profitentur, violare (siquidem in literis nostris pontifici omnes honoris titulos quos sibi vindicat nos tribuissemus), vel offensionis causam, quam evitare magnoperè cupimus, illi præbere, si quæ jure sibi deberi putat nos minùs concederemus.

Jam verò de filii nostri educatione (re quidem maximi momenti et ponderis), quæ rationes tum temporis redditæ sunt, easdem nunc quoque ita cupimus explicari, ut clarissimè intelligantur:—Ac primùm quidem, ab ipsis naturæ legibus abhorrere ut, cum nosmetipsi à primis incunabulis religione longè diversâ instituti atque imbuti simus, filium nostrum in contrariam planè disciplinam tradamus, de cujus veritate nunquam satis potuit nobis persuaderi:

Deinde (quod omnibus luce meridianâ clarius est) si quidem nosmetipsi, ullâ de causâ quæ nos privatim attingat, assensum præbere vellemus, considerandum tamen esse, illum non nobis solummodò ut parenti filium, sed populo nostro ut regni hæredem, natum susceptumque esse; ex quo efficitur, ut, præter patriam in illum nostram potestatem, regni nostri status quamplurimum in illo sibi vindicet. Hac igitur de re, quæ tùm conscientiæ tùm incolumitati nostræ prorsùs adversaretur, sententiam nostram sine ullâ cunctatione aut hæsitatione planè et præcisè exprimi jussimus.

Quod sequitur de multis magnisque benevolentiæ erga nos officiis, quæ pontificis Romani ad nos literis continebantur, non aliam responsionem efflagitat, præter eam quam initio diximus ipsi nuncio esse reddendam.

Postremò, quod ad eam in mandatis clausulam attinet, quæ verbis quibusdam illi, qui à nobis mittebatur, ampliorem largiri videtur potestatem, ut nostri instituti et propositi rationem liberiùs ac fusiùs explicet, ea certè (ut paucis complectamur) hunc habet sensum atque hanc sententiam, nimirum, Nos ex eâ religione quam profitemur tantum solatii hausisse, tamque suaves tranquillæ mentis et conscientiæ fructus percepisse, ut ratum firmumque nobis sit, ab eâ non divelli, nisi evidentissimis omnique luce clarioribus argumentis impellamur. *Neque tamen,*

*propter nostram in hac religione tuendâ constantiam, eò adducimur, ut adversus quamplurimos è subditis nostris, qui contrariam opinionem animis imbiberunt, nimiâ severitate atque acerbitate animi commoveamur; quibus ut justitiæ, pacis, et tranquillitatis, cæterisque administrationis nostræ commoditatibus (perindè atque aliis subditis nostris) perfrui liceat, non gravatè concedimus; dummodo, sub fictâ et adumbratâ religionis specie, perfidiam et perniciosa erga nos consilia non occultent.* Atque utinam (quod nobis semper in votis fuit) generali consilio, justè legitimèque indicto et convocato, ea ratio iniretur, curaque susciperetur, quâ omnes contentiones et controversiæ sedari et componi possent: unde liqueret in quâque doctrinâ quid antiquitati, quid primis purioribusque ecclesiæ christianæ temporibus consentiat, quid denique ex hominum inventis nuper enatum exortumque sit; quod uti nos ex naturæ quodam sensu nostro penitùs aversamur, ita quæcumque ab antiquis temporibus in ecclesiâ recepta sunt, verbique divini authoritate comprobata, ea religiosissimè tuenda et observanda censemus. Tantumque abest ut studiis partium feramur, aut præjudicatæ opinioni pertinaciter adhærescamus, ut nihil exoptandum magis putemus, libentiùsque probaturi simus, quàm communem et uniformem in omnibus Dei cultum, non hominum corruptelis penitùs inquinatum, non divinis legibus repugnantem; ex quo ecclesia jucundissimos pacis et tranquillitatis fructus percipiat, et ad communem infestissimumque Dei omniumque christianorum hostem propulsandum et debellandum vires acquirat.

Atque hæc quidem sunt quæ hactenùs, primùm postremùmve, de isto negotio communicanda existimavimus. Quæ cum ita sint, quanquam, ex optimâ mentis conscientiâ, adversus omnem suspicionem aut calumniam nobis satis obfirmatus est animus, tamen unum modò restat quod ipsum nuncium rogatum velimus,—ut quotiescumque homines malevoli falsis rumoribus, fictisque criminationibus, labem nostris consiliis actionibusque aspergere conantur, tantisper assensum velit sustinere, dum nostram responsionem acceperit; idque nos vicissim erga illum pari ratione facturos pollicemur.[1]

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[1] [I avail myself of this open space, to observe that the present letter, which I had not met with when most of the preceding sheets were printed off, affords an additional illustration of that hypocrisy on the part of James, to which I have elsewhere directed the reader's attention (p. 9, ante). How far its declarations, particularly as regards the education of the young prince, agree with the instructions given to Lindsey before the death of Elizabeth, is uncertain: but its acknowledgment of the services rendered by pope Clement to the cause of the monarch, and of the pontiff's anxiety to cut off every source whether of danger or of opposition to his government, are unequivocal; and it will be difficult to reconcile with these the pretended fears of papal interference, put forward by James as the justification of his proceedings against the catholics. —*T.*]

## No. VIII.—(*Referred to at page* 37.)

*** *The Catholics' Supplication unto the King's Majesty, for toleration of Catholic Religion in England.* 1603.

[Printed Copy.]

Most puissant prince, and orient monarch,

1°. Such are the rare perfections and admirable gifts of wisdom, prudence, valour, and justice, wherewith the bountiful hand of God's divine majesty hath endued your majesty, as, in the depth of your provident judgment, we doubt not but you foresee what concerneth both the spiritual and temporal government of all your kingdoms and dominions.

2°. Notwithstanding, your grace's most afflicted subjects and devoted servants, the catholics of England, partly to prevent sinister informations which happily may possess your sacred ears before our answer be heard, partly almost as men overwhelmed with persecutions for our consciences, we are enforced to have speedy recourse, in hope of present redress from your highness, and to present these humble lines unto your royal person, to plead for us some commiseration and favour.

3°. What allegiance or duty can any temporal prince desire or expect at his vassals' hands, which we are not addressed to perform? How many noblemen and worthy gentlemen, most zealous in the catholic religion, have endured, some loss of lands and livings, some exile, others imprisonment, some the effusion of blood and life, for the advancement of your blessed mother's right unto the sceptre of Albion? Nay, whose finger did ever ache, but catholics', for your majesty's present title and dominion?

4°. How many fled to your court, offering themselves as hostages for their friends, to live and die in your grace's quarrel, if ever adversary had opposed himself against the equity of your cause? If this they attempted with their prince's disgrace, to obtain your majesty's grace, what will they do,—nay, what will they not do, to live without disgrace in your grace's favour?

5°. The main of this realm, if we respect religion (setting petty sects aside), consisteth upon four parts,—protestants who have domineered all the former queen's days, puritans who have crept up apace among them, atheists or politicians who were bred upon their brawls and contentions in matters of faith, and catholics who, as they are opposite to all, so are they detested of all, because error was ever an enemy to truth.

6°. Hardly all, or any, of the first two [or] three can be suppressed: and therefore we beseech your majesty to yield us as much favour, as

others of contrary religion to that, which shall be publicly professed in England, shall obtain at your hands. For, if our fault be like, or less, or none at all, in equity our punishment ought to be like, or less, or none at all.

7°. The gates, arches, and pyramids of France proclaimed the present king *pater patriæ, et pacis restitutor*, because that kingdom, being well nigh torn in pieces with civil wars, and made a prey to foreign foes, was, by his provident wisdom and valour, acquieted in itself, and hostile strangers expelled; the which he principally effected by condescending to tolerate them of an adverse religion to that was openly professed.

8°. Questionless, dread sovereign, the kingdom of England, by cruel persecution of catholics, hath been almost odious to all christian nations. Trade and traffic is decayed; wars and blood hath seldom ceased; subsidies and taxes never so many; discontented minds innumerable: all which your majesty's princely connivancy to your humble suppliants, the afflicted catholics, will easily redress, especially at your highness' ingress. *Si loquaris ad eos verba lenia, erunt tibi servi cunctis diebus*, said the sage counsellors of Solomon to Rehoboam (3 Reg. xii. 7). For enlargement after affliction resembleth a pleasant gale after a vehement tempest; and a benefit in distress doubleth the value thereof.

9°. How grateful will it be to all catholic princes abroad, and honourable to your majesty, to understand how queen Elizabeth's severity is changed into your royal clemency; and that the lenity of a man reedified that, which the misinformed anger of a woman destroyed,—that the lion rampant is passant, whereas the passant had been rampant? How acceptable shall all your subjects be to all catholic countries, who are now almost abhorred of all, when they shall perceive your highness prepareth not pikes and prisons for the professors of their faith, but permitteth them temples and altars for the use of their religion?—Then shall we see with our eyes, and touch with our fingers, that happy benediction of Isaiah (ii. 4) in this land, that swords are changed into ploughs, and lances into scythes. And all nations admiring us will say, *Hi sunt semen cui benedixit Dominus.*

10°. We request no more favour at your grace's hands, than that we may securely profess that catholic religion, which all your happy predecessors professed, from Donaldus the first converted, unto your majesty's peerless mother last martyred:—

11°. A religion, venerable for antiquity, majestical for amplitude, constant for continuance, irreprehensible for doctrine, inducing to all kind of virtue and piety, dissuading from all sin and wickedness:—a

religion, beloved by all primitive pastors, established by all œcumenical councils, upheld by all ancient doctors, maintained by the first and most christian emperors, recorded almost alone in all ecclesiastical histories, sealed with the blood of millions of martyrs, adorned with the virtues of so many confessors, beautified with the purity of thousands of virgins, so conformable to natural sense and reason, and, finally, so agreeable to the sacred text of God's word and gospel. The free use of this religion we request, if not in public churches, at least in private houses; if not with approbation, yet with toleration, without molestation.

12°. Assure your grace that howsoever some protestants or puritans, incited by moral honesty of life, or innated instinct of nature, or for fear of some temporal punishment, pretend obedience unto your highness' laws, yet certainly only catholics for conscience sake observe them. For they, defending that prince's precepts and statutes oblige no subject under the penalty of sin, will little care in conscience to transgress them, which principally are tormented with the guilt of sin: but catholics, confessing merit in obeying, and demerit in transgressing, cannot but in soul be grievously tortured at the least prevarication thereof.

13°. Wherefore, most merciful sovereign, we, your long-afflicted subjects, in all dutiful submission protest, before the majesty of God and all his holy angels, as loyal obedience and as immaculate allegiance unto your grace, as ever did faithful subjects, in England or Scotland, unto your highness' progenitors; and intend as sincerely with our goods and lives to serve you, as ever did the loyalest Israelites king David, or the trusty legions the Roman emperors.

14°. And thus expecting your majesty's customary favour and gracious bounty, we rest your devoted suppliants to Him, whose hands do manage the hearts of kings, and with reciprocate mercy will requite the merciful.

Your sacred majesty's
Most devoted servants,
The Catholics of England.[1]

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1 [This supplication was republished by the celebrated Gabriel Powell, "with short notes or animadversions in the margin: whereunto is annexed parallelwise a Supplicatory Counterpoise of the Protestants, unto the same most excellent majesty: together with the reasons of both sides for and against toleration of divers religions. London. Imprinted by Felix Kyngston, 1603."—The "Counterpoise" is nothing more than a parody of the Supplication, printed on the opposite page.—*T.*]

## No. IX[a].—(*Referred to at page* 39.)

*** *Notification from the office of the Signet, concerning grants of lands forfeited by recusants. October*, 1605.

[Original Draft in the State Paper Office.]

Whereas his majesty is daily moved by his servants and others to bestow upon them such benefit as doth or may arise by recusants already convicted, or hereafter to be convicted, whereof he hath made divers grants, and daily doth, according as seems best to his wisdom (of all which it belongeth to the duty of our place to keep a perfect calendar in the office of the Signet, both of such grants and promises as do pass, either by bill signed, or by certificate from his majesty's principal secretary, to whom the king doth usually certify his pleasure); forasmuch as there is order given by his majesty's council, that we shall likewise, from time to time, as we shall come to the notice thereof, certify you of all such grants, to the intent, when any of those, to whom they are passed, shall make repair to you for any thing belonging to your place, which may give just and lawful expedition in that prosecution which is ordained by the statute, and wherein heretofore there hath appeared, in many under-officers, devices and delays, to his majesty's prejudice, I have sent you here, according to the direction above-mentioned (and so the rest of my fellows will do from time to time), a catalogue of all such grants as are come to my knowledge; to which I will make addition, from time to time, as any such thing shall occur, within my month of attendance.

Of all these, who have already paid £20 a month, the king must still have that payment continued; and the parties, to whom any grants are made, must only be content with that benefit which may be further made, by extending two parts, according to the power given to his majesty by the last statute. Of the rest which are promised, whereof some are convicted, some are not, as soon as his majesty declares by any bill to whom they are given, you shall have notice.[1]

*To the lord Hay.*

Thomas Arundell, of Lanhern.
John Townley, of Townley, Lancashire.
John Talbot, of Grafton.

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[1] [Another list, drawn up a short time later, and containing nearly the same names, is thus headed:—"A note of such recusants as his majesty hath *granted liberty to his servants to make profit of*, by virtue of that power, which his majesty hath, to refuse the payment of £20 per mensem, and, in lieu thereof, to extend two parts of their lands." Orig. in the State Paper Office.—*T.*]

John Southcott, William Green } Essex.
Richard Cotton, of Warblington, Southampton.

*To sir James Areskin.*
Sir William Roper, of Eltham, Kent.

*To sir Roger Aston.*
James Throckmorton, Warwickshire.
Edward Morgan, Montgomeryshire.

*To sir James Simple.*
John Beaumont, Leicestershire.

*To Mr Robert Carr.*
Edward Sayer, Yorkshire.

*To Mr. Robert Douglas.*
— Hare, of Suffolk.

*To A. B.*
Francis Perkins, Wilts.
Thomas Welles, Southampton.
John Preston, Lancashire.
John Edwards, Salop and Denbighshire.

*To C. D.*
John Draycott, of Paynesly, Derbyshire.
Robert Price, Cambridgshire and Huntingdonshire.
Mary Digby.
— Paris.

*To E. F.*
Sir John Webbe, Southampton and Wilts.
Crescence Moore, Yorkshire and Hertfordshire.
Robert Tirwhit, Lincoln.
Catherine Buckland, widow, Wilts.
Catherine Gawen, widow.

*To the lord Wemms.*
John Howsen (or Howes), of West Wickham, in the county of Buckinghamshire, gentleman, having living at Alton, near Aylesbury.
The Lady Henneage, of St. Martin's in the fields, London.
Elizabeth Coupledike, Lincoln.

*Another list of Recusants, with the names of the persons to whom they were assigned, to be "made profit of."*

[Original in the State Paper Office.]

*For the Lady Walsingham.*

Sir John Bowles, Knt.
Henry Sapcots, Esq.
Hugh Speak, Esq.
Thomas Wotton, Esq.
Christopher Bigges, Esq.
George Patershall, Esq.
William Brokesby, Esq.
Augustine Belson, Esq.

*For Mr. Izod, gentleman usher of the privy chamber to the queen.*

Mr. Thomas Welles,
Mr. William Corham,
Mr. Richard Browning,
Mr. Thomas Henshaw the elder,
} all in Hampshire.

*For Mr. Stephen Le Sieur.*

Mr. Browning, com. Wilts.
Mr. Gawen, son and heir of Thomas Gawen, of Worrington, in eod. com.

*Or if these be already entered for others, then these following:—*

Edward Poyntz, of Tobington Park, in com. Gloucest.
Mr. Townley of Townley, com. Lancast.

*For sir Thomas Mounson.*

William Middleton.
William Stillington.
Sir Cuthbert Hassell.
John Vavasour.
Sir Francis Lacon.
Mr. Talbot of Bashall.
Mr. Eccleston of Eccleston.
Mr. Blundell.
Mr. Preston.

*For the earl of Southampton.*

Andrew Bendlosse.
Augustine Belson.
Edward Gage of Wormsley.
John Shelley.

Edward Gage, of Bentley.
William Copley.
Sir John Caryll the younger.
Thomas Hoord.

*For Mr. William Wingfield.*

Edward Digby, of Northamptonshire, Esq.

*For sir Robert Alexander.*

William Everard de Lynstead, armiger,
John Newport de eodem, armig.
George Norton de Chysen, gent.
Anthony Hubbard de Blyford, gent.
Henry Foster de Cobbock, gent.
Edward Armiger de Swylland, armig.
John Mannock, gent.
Thomas Fisson de S. Edmondsbury, gent.
} all in Suffolk.

*For the lord Say.*

Mr. Edward Yates, in Berkshire.
Sir Basil Brooke, in Shropshire.
Mr. Brudenell, in Northamptonshire.
Mr. Morgan, in Northamptonshire.
Mr. John Preston, in Lancashire.
Mr. Thomas Greenwood, in Essex.
Mrs. Morgan, widow, in Warwickshire.
Mr. Hungerford, in Wiltshire.

*For Mr. Ramsay, of the Bedchamber.*

Humphry Paginton.
Nicholas Howes.

*For Mr. Dr. Browne.*

Mr. Audley, which married the sister of the lord Windsor.
Mr. George Throckmorton, of , in Oxfordshire.
Mrs. Sullyard, of Wellenden, in Suffolk.
Mrs. Tymperley, wife of Mr. Nicholas Tymperley, of Hyntelston, by Hadley, in Suffolk.

*For sir Walter Cope.*

John Girlington, of Hackforth, armig.
John Hopton, of Armley.
Thomas Tankard, of Bransingham.
William Hungate, of Saxton, armig.
Richard Stapleton, of Carlton.
Thomas Musslebury, or Mussleby, com. Somerset, armig.

*For Mr. Henry Stuart, laird of Craigihall.*
Lady Elizabeth Grimston.
Richard Cholmondely, of Bransby.
Robert Stillington, of Skelfield.
Anthony Catherick, of Stanwich.
William Middleton, of Stockeld.
George Amye, of Frickley.
Isabel Drax, widow.
Thomas Meynell, of North Sulvington.
John Sayer, of Worsall.
John Ingleby, of Hutton Rudley.

*For the Lady Elizabeth Stuart.*
Sir Henry Hastings, Knt.
Thomas Eltoft, Esq.
George Peckham, Esq.
Nicholas Longford, Esq.
Henry Merry, Esq.
Robert Hare, Esq.
Edward Fawcet, Esq.
Marmaduke Haslewood, Esq.
William Langdale, Esq.
Rutland Mollineux, Esq.

*For Mr. Levinston, of the Bedchamber.*
Sir Edward Stanley, of Wynewich.
Mr. Draycott, of Paynesley, in com. Stafford, armig.
Mr. Ap Rice, of Washington, in com. Huntingdon, armig.

No. IX[b].—(*Referred to at page* 40.)

*** *An Act for the due execution of the statutes against Jesuits, Seminary Priests, and Recusants.* 1604.

[Stat. 1 Jac. I. c. 4.]

I. For the better and more due execution of the statutes heretofore made, as well against jesuits, seminary priests, and other such like priests, as also against all manner of recusants, be it ordained and enacted by the authority of this present parliament, that all and every the statutes heretofore made in the reign of the late queen, of famous memory, Elizabeth, as well against jesuits, seminary priests, and other priests, deacons, religious, and ecclesiastical persons whatsoever, made, ordained, or professed, or to be made, ordained, or professed, by any authority or jurisdiction derived, challenged, or pretended from the see

of Rome, as those which do in any wise concern the withdrawing of the king's subjects from their due obedience, and the religion now professed, and the taking the oath of obedience unto the king's majesty, his heirs and successors, together with all those made in the said late queen's time, against any manner of recusants, shall be put in exact execution.

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V. And be it further enacted by the authority of this present parliament, that, where any seizure shall be had of the two parts of any lands, tenements, hereditaments, leases, or farms, for the not payment of the £20 due and payable for each month, according to the statute in that case made and provided, that, in every such case, every such two parts shall, according to the extent thereof, go towards the satisfaction and payment of the £20 due and payable for each month, and unpaid by any such recusant; and that the third part thereof shall not be extended nor seized by the king's majesty, his heirs, or successors, for not payment of the said £20 payable for each month, forfeited or lost by any such recusant: And where any such seizure shall be had of the two parts of the lands, tenements, hereditaments, leases, or farms of any such recusant as is aforesaid, and such recusant shall die (the debt, or duty, by reason of his recusancy, not paid, satisfied, or discharged), that, in every such case, the same two parts shall continue in his majesty's possession, until the residue or remainder of the said debt or duty be thereby or otherwise paid, satisfied, or discharged: And that his majesty, his heirs, or successors, shall not seize or extend any third part descending to any such heir, or any part thereof, either by reason of the recusancy of his or her ancestors, or the recusancy of any such heir.

VI. And be it further enacted, by the authority of this present parliament, that all and every person and persons under the king's obedience, which, at any time after the end of this session of parliament shall pass or go, or shall send, or cause to be sent, any child, or any other person under their or any of their government, into any the part, beyond the seas, out of the king's obedience, to the intent to enter into, or be resident in, any college, seminary, or house of jesuits, priests, or any other popish order, profession, or calling whatsoever, or repair in or to any the same, to be instructed, persuaded, or strengthened in the popish religion, or in any sort to profess the same, every such person so sending, or causing to be sent, any child or other person beyond the seas, to any such purpose or intent, shall, for every such offence, forfeit

to his majesty, his heirs, and successors, the sum of £100: and every such person so passing or being sent beyond the seas, to any such intent and purpose as is aforesaid, shall, by authority of this present act, as in respect of him or her self only, and not to or in respect of any of his heirs or posterity, be disabled and made incapable to inherit, purchase, take, have, or enjoy any manors, lands, tenements, annuities, profits, commodities, hereditaments, goods, chattels, debts, duties, legacies, or sums of money, within this realm of England, or any other his majesty's dominions: and that all and singular estates, terms, and other interests whatsoever, hereafter to be made, suffered, or done, to or for the use or behoof of any such person or persons, or upon any trust or confidence, mediately or immediately, to or for the benefit or relief of any such person or persons, shall be utterly void and of none effect, to all intents, constructions, and purposes.

VII. And be it further enacted, by the authority aforesaid, that, if any person born within the realm, or any the king's majesty's dominions, be at this present in any college, seminary, house, or place, in any parts beyond the seas (to the end to be instructed or strengthened in the popish religion), which shall not make return into this realm, or some of his majesty's dominions, within one year next coming after the end of this session of parliament, and submit himself as is aforesaid, [he] shall be, in respect of himself only, and not to or in respect of any of his heirs or posterity, utterly disabled and uncapable to inherit, have, or enjoy any manors, lands, tenements, hereditaments, goods, chattels, debts, or other things aforesaid, within this realm, or any other his majesty's dominions: Provided always that, if any person or child so passing, sent, sending, or now being, beyond the seas, as aforesaid, to such intent as is before mentioned, shall after become conformable and obedient unto the laws and ordinances of the church of England, and shall repair to the church, and there remain and be as is aforesaid, and continue in such conformity, according to the true intent and meaning of the said statutes and ordinances, that, in every such case, every such person and child, for and during such time as he or she shall continue in such conformity and obedience, shall be freed and discharged of all and every such disability and incapacity as is before mentioned.

VIII. And be it further enacted, by the authority of this present parliament, that no woman, nor any child under the age of twenty-one years (except sailors, or ship-boys, or the apprentice or factor of some merchant in trade of merchandise) shall be permitted to pass over the seas (except the same shall be by license of the king, his heirs, or successors, or of some six or more of the king's privy council, thereunto

first had under their hands), upon pain that the officers of the port, that shall willingly or negligently suffer any such to pass, or shall not enter the names of such passengers licensed, shall forfeit his office and all his goods and chattels; and upon pain that the owner of any ship or vessel that shall wittingly or willingly carry any such over the seas without license, as aforesaid, shall forfeit his ship or vessel, and all the tackle; and every master or mariner of or in any ship or vessel, offending as aforesaid, shall forfeit all their goods, and suffer imprisonment, by the space of twelve months, without bail or mainprise.

IX. And be it further enacted, by the authority aforesaid, that no person, after the feast of St. Michael the archangel next, shall keep any school, or be a schoolmaster, out of any the universities or colleges of this realm, except it be in some public or free grammar-school, or in some such nobleman's or noblewoman's, or gentleman's or gentlewoman's house, as are not recusants, or where the same schoolmaster shall be specially licensed thereunto by the archbishop, bishop, or guardian of the spiritualties of that diocese, upon pain that as well the schoolmaster, as also the party that shall retain or maintain any such schoolmaster, contrary to the true intent and meaning of this act, shall forfeit, each of them, for every day so wittingly offending, forty shillings;—the one half of all the penalties and sums of money, before mentioned to be forfeited, to be to the king, his heirs, and successors, the other to him or them that shall or will sue for the same, in any of the courts of record in Westminster, by action of debt, bill, plaint, or information, in which no essoin, protection, or wager of law shall be allowed.

## No. X.—(*Referred to at page* 40.)

### *** *Substance of a Petition presented to king James by the English Catholics, in* 1604.

The petition here referred to is entitled "A supplication to the king's most excellent majesty, wherein several reasons of state and religion are briefly touched, not unworthy to be read and pondered by the lords, knights, and burgesses of the parliament, and other of all estates. Prostrated at his highness' feet by true affected subjects. *Nos credimus, propter quod et loquimur.* 2 Cor. iv. 13:—*We believe; for the which cause we speak also.* 1604."

It is addressed to our "most high and mighty prince, and our dearest beloved sovereign," and begins by expressing the joy of the petitioners at the accession of James, by adverting to the benefits likely to result from "the union of the two kingdoms, and the rightful devolution of

both sceptres to the immediate issue of either nation," and by beseeching the monarch, that, as a means of perpetuating their present happiness, he will "commiserate their grievous and long-endured pressures for confessing the catholic Roman faith, the only mean, as they undoubtedly believe, of saving their souls eternally. We do not," they say, "presume to beg the allowance of some few churches for the exercise of our religion, nor yet the allotting of any ecclesiastical living towards the maintaining of the pastors of our souls,—a benefit that is not denied by the princes and state politic of other countries, where diversity of religion is tolerated, and infinite good found to arise thereof; but the only degree of favour, that we seek at your majesty's hands in this case, is, that, out of your princely compassion, you would be pleased to reverse the penal laws, enacted by our late sovereign against catholic believers, and to license the practice of our religion in private houses, without molestation to priest or lay person for the same. For this, most gracious prince, we entreat; for this we shall ever continue our humble petitions; and the suit being, as our faith assureth us, for the not abolishing of God's noblest cause and honour upon earth, and no ways against the peace, strength, or safety of the kingdom, but rather much convenient, if haply not necessary, for the good preservation thereof; and also for that the obtaining of the suit would bring unspeakable renown to your majesty with all the chiefest rulers of the christian world, and endless comfort to thousands, who otherways, living against their conscience, must needs abide in continual horror of soul, we cannot think it a breach of duty, and less think it a point of disloyalty, ever lowly to solicit, yea petitionarily to importune, your majesty for the happy grant of so manifold, far-spreading, and universal a blessedness."

The petitioners then proceed to state the reasons, which encourage them to appeal to the consideration of their sovereign. The toleration of their religion, they say, will bind them to the interests of the throne, and make them "ready, in all occurrences, to sacrifice their lives in defence of his majesty's person, crown, and dignity:" it will oppose an effectual obstacle to the anti-hierarchical designs of the puritans: it will secure the crown from all attempts, whether of foreign invasion or of domestic treason; and it will at once invite the confidence, and conciliate the friendship, of every catholic sovereign in Europe. Nor let his majesty mistrust the loyalty of his catholic subjects. The fidelity, which, in the face of persecution, they have already manifested towards their God, will offer the surest guarantee for their allegiance to their king: while "the establishment of the throne in clemency," and the respect which will thus be shewn for the rights of conscience, will

"make millions, in and without the king's territories, so entirely and affectionately devoted to his person, crown, and posterity, as no attempt, no danger, no tumult can arise, wherein his sacred majesty shall not find present and securest harbour."

From these topics the petitioners pass to the religion itself, for which they are soliciting the protection or the toleration of the government. They advert to the distinctive marks of the church; to its antiquity as established by the apostles, to its perpetuity and visibility as a society of believers, to the unity of its doctrines, to the holiness of its precepts, and to the universal extent of its authority and its influence. They remind the king that to its pastors their country was originally indebted for the knowledge of christianity, to its operation for all the ecclesiastical and scholastic institutions which the nation still possesses. They appeal to the doctors whom it has produced, for the truth of its various tenets: they trace its progress, from the apostolic ages, in the dissemination of its principles; and they conclude by pointing to those precepts of allegiance, by which it binds the consciences of the people, and secures to the rulers the obedience of their subjects. "Nor are these," they continue, "O most gracious sovereign, the only respects that thus embolden us to become humble suitors at your highness' foot for toleration of catholic religion; but our manifold dangers undergone, our several losses and indignities sustained, and the store of catholic blood that hath been shed, for affecting your mother's rights and title, and for seeking how to succour her piteous distresses and person (the worthiest queen that many ages enjoyed, living a long imprisoned confessor, and dying a most glorious martyr), serve also to plead and cry to your majesty for commiseration of our case, and grant of the petition we make. And as our true love, zeal, and tribute of service did not then dilate and extend itself only towards your highness' dear mother, but, in and through her, reached also to your sacred majesty, so, since the time of her happy crown of martyrdom, our wishes, endeavours, and actions have ever levelled, as much as lay in our power, to the most advancing of your majesty's title. Yea, the pressures and afflictions, loaded on us for this cause, were, in a sort, comfortable, or not discomfortable, unto us, in hope of the relaxation and ease we assuredly expected by your highness' actual arrival to the crown. So that now, if your excellent majesty may not be moved to permit the free exercise of the catholic religion, oh! our hopes, fed on, are not only frustrate, and our long expectations vain, but our temporal lots, by re-establishing of penal laws against us, become more abject, servile, desperate, and forlorn, than ever before.

"Puritanism, differing from protestantcy in thirty-two articles of doc-

trine, as their own books and writings do witness, looketh up, spreadeth, and is neither suppressed with penalties, nor oppressed with indignities; but her professors receive grace, and hold high authority in the government: only the catholic religion, whose professors suffered most for your good mother's sake, and ever least offended your majesty, is despised, trodden under foot, maligned, punished, and must be, alas! by all violence abolished, without regard of her venerable antiquity, or respect of the large dominions she otherwhere hath to her dowry, or of the innumerable conquests she hath made over all other sects, from Christ's time hitherto, or of the multitude and impregnableness of her proofs, which her professors are ready, yea, press, and do most earnestly long, to bring in public dispute, for testimony of the doctrine she teacheth. And that which moveth not the least admiration herein is, for that neither the inward belief of the catholic Roman faith, nor the outward profession or defence thereof in words, seem to be the transgressions which are so sharply animadverted; but rather, the only fault which is punished, and never sufficiently, as some think, punished, in us, is, the undissembled profession of our inward faith, in refusing to go to the protestant church; a necessity which, under guilt of deadly sin and breach of our church's unity, all are bound unto, that believe the verity of the catholic religion, and purpose still to keep themselves her children. * * * *

"To draw to an end:—We most submissively beseech your majesty to conceive no otherwise of us, than of your most dutiful and loyal vassals; acknowledging, in all politic and civil affairs, no other superior than the sacred authority of your highness, and resting ever most ready to accomplish all your commandments touching the same, were our lives never so certainly engaged in the execution;—only requesting that, in matters of soul and conscience, we may have leave to distinguish an eternal lord from a temporal lord, and to prefer our obedience to the one before our obedience to the other,—if obedience to princes, against God, may be termed obedience, and not rather irreligious pusillanimity. And as we have presumed, most precious sovereign, upon confidence of your true royal disposition and benignity, to make known to your princely consideration and wisdom our griefs, our hopes, the favour and connivance we desire, together with some few reasons, as well of state as of religion, for shewing the concordance that our request hath with the good of state, and also the grounds of our persuasion in conscience, why the religion we believe in is true, so do we carry a most tender regard of yielding all satisfaction to your majesty and to all other in authority, yea, even to those who stand most jealously conceited of the true affection and loyalty of priests,

the pastors of our souls, towards your highness' person, crown, and the weal of the realm: in whose behalf, we do therefore confidently and most assuredly undertake, that they all shall willingly and readily take their corporal oaths for continuing their true allegiance to your majesty and the state; or, in case that be not thought assurance enough, they shall give in sufficient sureties, one or more, who shall stand bound, life for life, for the performance of the said allegiance, and of their fidelity and faithfulness in the premises. Yea, they most voluntarily offer yet further, that, if so any of their number be not able to put in such security for their loyal carriages, that then they will all join in one supplication to the pope, for recalling such priests out of the land, whosoever they be, or how many soever.

"We fear to be tedious, and, therefore, we will shut up all in few words. Our hearts, our souls, and both with deepest cries, do most humbly and alike instantly beseech your most excellent majesty to take pity of our afflictions, to compassionate our sufferings, and to relieve our long-endured pressures, either by licensing the free use of our catholic religion, or, if we may not be so happy, yet, at least, by granting a public disputation, to the end we may be heard, our cause tried, and our teachers receive confutation and the deserved shame of their false doctrine, if in case they have misled us,—a favour which the adversaries of our religion have obtained in other countries, and which our country oppositors seem, in their books, to be very desirous of, and is also, of itself, of all other means, the most potent to reunite all parties in one; the deceived being hereby let to see their errors. So that, by the grant thereof, no doubt your majesty shall get eternal praise over the christian world; the protestant religion everlasting fame, if she prevail; the neighbour countries great edification; the waverers, and such as are doubtful in faith, a stay and worthy satisfaction, as none greater; all posterity a right noble example and precedent to follow; and we, your majesty's loyal subjects, must and shall always, as our bounden duty exacteth, rest, through the delivery out of the blindness (if so we live in blindness), for ever most strictly obliged to pray incessantly for your highness' long life and prosperous reign over all your dominions, with multiplication of immortal renown in this world, and of endless joys in the next."

This tract was answered in a pamphlet entitled "The Supplication of certain Mass Priests, falsely called catholics, directed to the king's most excellent majesty now, this time of parliament, but scattered in corners, to move mal-contents to mutiny. Published with a marginal gloss, for the better understanding of the text, and an answer to the libellers' reasons, for the clearing of all controversies thereof arising. James iv.

—*Petitis et non accipitis, eò quòd malè petatis. Ye supplicate, and do not obtain, because ye ask lewdly.* 2 Cor. vi.—*What agreement hath the temple of God with idols?* London. Imprinted for William Aspley, 1604."—Mr. Butler (Mem. of Eng. Cath. ii. 84, 85, 87, notes) has confounded the Supplication itself with the "Petition Apologetical" which I have noticed in page 40, ante.[1]—*T.*

## No. XI.—(*Referred to at page* 40.)

### *** *Commission for the Banishment of the Catholic Missionaries. Sept. 5,* 1604.

[Rymer, xvi. 597 ]

James, by the grace of God, &c., to our right trusty and right well-beloved counsellor, Thomas, lord Ellesmere, chancellor of England, and to our right trusty and right well-beloved cousins and counsellors, Thomas, earl of Dorset, our high treasurer of England, &c. &c. greeting.

Whereas divers jesuits, seminary priests, and other priests or persons ecclesiastical, or religious whatsoever, made or ordained according to the order or rites of the Romish church, since the beginning of the reign of the late queen of famous memory, Elizabeth late queen of England, being corrupted and brought up seditiously beyond the seas or elsewhere, have afterwards been sent into this our realm, or employed, under colour of religion, to withdraw the hearts of our loving subjects from their allegiance towards us; with whom, notwithstanding, we have not proceeded so severely as by our laws we might, and as their demerits justly deserved, hoping that, in time, they might see their palpable errors, and reform themselves:

And forasmuch as now we understand, that, not only many of these jesuits, seminary priests, and other priests and persons abovesaid, being at large, but also divers of them, being so in prison, desist not, as much as in them lieth, from the seducing of divers of our subjects, but also do enter into divers practices against us and our state, and now, through our moderation and clemency, are grown to so great insolency and wilfulness, as that their keepers, except they should lay them in irons, cannot rule or keep them in any order:

And furthermore, understanding that divers other jesuits, seminary priests, and other the persons abovesaid, have come, and daily do come,

[1] [Speaking of the "Petition Apologetical," a correspondent, writing, in June 1605, to sir Thomas Challoner, says, "It was Colleton, the priest that lieth at Southampton House, with the keepers there, that made the last supplication, which Sutcliffe answered." Orig. Recusant Papers, No. 45, in the State Paper Office.—*T.*]

from the parts beyond the seas into this our realm of England, and other our dominions, to the like intent, and to seek, as much as in them lieth, to sow sedition, and to stir up rebellion, within the same our realm and dominions; and likewise that there be divers others, as well wandering and massing priests, as other lay persons, that are seducers of our said loving subjects, or otherwise, by the means aforesaid, are seduced themselves; whereof great danger might ensue to us and our said realm and dominions, if the same be not by us the sooner foreseen and prevented:

In consideration of all which eminent dangers and inconveniences, albeit by one general and free consent, with one voice, of our whole parliament lately assembled, representing the whole body of the realm, it was ordained and enacted by authority of the same (amongst other things) that all and every the statutes theretofore made in the reign of the late queen of famous memory, Elizabeth, against jesuits, seminary priests, and other religious or ecclesiastical persons abovesaid, should be put in due and exact execution, we, nevertheless, continuing our said gracious inclination towards them, desiring, if God so please, their conversion and amendment, and reposing great trust in you, the said lord chancellor of England, lord treasurer of England, &c., do, for us, our heirs, and successors, give full power, warrant, and authority, by virtue of these presents, to you, or to any six or more of you, from time to time, and at all times hereafter, to exile and banish out and from this our realm of England, and all other our dominions, and out of and from all places under our obedience, so many seminary priests, jesuits, and other religious or ecclesiastical persons abovesaid, as now are in any sort indicted, convicted, or attainted of or for any high treason, or other offence whatsoever, and also all other jesuits, seminary priests, and persons ecclesiastical or religious abovesaid, that hereafter shall come or be within the realm of England, whether they shall happen to be in prison or out of prison, as to you, or any six or more of you, shall be thought convenient or fit so to be dealt withal; and that to be done either generally or particularly, or in such order, manner, and form, and under [such] conditions, prescriptions, and limitations, as you, or any six or more of you, shall set down in writing, signed with the hands of you, or any six or more of you, according to the several qualities of their conditions and offences:

And we do further signify and declare that our pleasure is, and we do by these presents grant, that every such person and persons, which so shall be thought fit and convenient, as is aforesaid, to be exiled and banished, shall, by force of these presents, be exiled and banished in such manner and form, and under such conditions, prescriptions, and

limitations, as you, or any six or more of you, shall set down in writing, signed as is aforesaid:

And we do further give full power and authority, by these presents, to you or any six or more of you, to signify and declare in writing, signed as is aforesaid, to each and every gaoler or keeper of prisons, under whose custody any such person or persons, so to be exiled or banished, now is or hereafter shall be, that he shall deliver out of his custody the same person or persons, in such manner and form as you, or any six or more of you, shall thereby prescribe and appoint:

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And we do will and straightly charge and command, by these presents, all our judges, justices, sheriffs, lieutenants, bailiffs, constables of any our castles, gaolers, ministers, and officers, and all other our subjects to whom it shall appertain, that they and every of them be aiding and assisting to the due performance and execution of the premises, and that they and every of them do allow of and perform the same, in every respect according to the purpose, effect, and true meaning of these presents: and these presents, or the exemplification, enrolment, or duplicate thereof, shall likewise be unto them, and every of them, a sufficient warrant and discharge, without any other warrant or discharge from us, our heirs, or successors, in that behalf, in any wise to be had or obtained.

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Witness ourself, at Hatfield, the fifth day of September.

## No. XII.—(*Referred to at page* 40.)

### *** *Canon ordering Ministers to present Recusants.* 1604.

[Canon cxiv. in Constitutions and Canons Ecclesiastical, 82.]

Every parson, vicar, or curate shall carefully inform themselves, every year hereafter, how many popish recusants, men, women, and children, above the age of thirteen years, and how many being popishly given (who, though they come to the church, yet do refuse to receive the communion) are inhabitants, or make their abode, either as sojourners or common guests, in any of their several parishes; and shall set their true names in writing, if they can learn them, or otherwise, such names as for the time they carry, distinguishing the absolute recusants from half recusants; and the same, so far as they know and believe, so distinguished and set down under their hands, shall truly present to their ordinaries, before the feast of the nativity next ensuing,

under pain of suspension, to be inflicted upon them by their said ordinaries; and so every year hereafter, upon the like pain, before the feast of St. John the baptist. Also we ordain that all such ordinaries, chancellors, commissaries, archdeacons, officials, and all other ecclesiastical officers, to whom the said presentments shall be exhibited, shall likewise, within one month after the receipt of the same, under pain of suspension by the bishop from the execution of their offices, for the space of half a year, as often as they shall offend therein, deliver them, or cause to be delivered, to the bishop respectively, who shall also exhibit them to the archbishop, within six weeks, and the archbishop to his majesty within other six weeks, after he hath received the said presentments.

## No. XIII.—(*Referred to at page* 41.)

*** *The Banished Priests to the Lords of the Council.* Sept 24, 1604.

[Copy in my possession.]

Right honourable,

As we have suffered, for Christ his sake and the profession of the true catholic religion, which he planted with his precious blood, many years' imprisonment and deprivation of all worldly comforts and commodities, so do we, with the like patience and humility, endure this hard and heavy sentence of exile, which is a certain kind of civil death, or rather a languishing and continual dying, especially to them that have the honour and safety of their prince and country in that recommendation as we ever both have had, and have. Notwithstanding, lest it might be imputed to us hereafter that this banishment was rather an extraordinary favour and grace, than an undeserved punishment or penalty, we thought it our duty to let your honours understand that, as we are content with patience and humility to suffer and support whatsoever you should impose upon us for our religion, so are we bound withal to make protestation of our innocency, according to that of St. Peter, *Nemo vestrûm patiatur ut fur, aut latro, aut maledicus, aut alienorum appetitor; si autem ut christianus, non erubescat, glorificet autem Deum in isto nomine.*

May it please your lordships, therefore, to understand, that the quality and condition of those, that are comprehended under the self-same sentence of banishment, is very different and considerable, both in honour and conscience; among the which, some there are that came voluntarily into prison, upon a proclamation set out by your lordships, in the late queen's days and name, with assurance of favour upon such their submission; some came neither voluntarily into the prison nor

into the realm, and therefore not subject to any censure; and all of them have been ever most faithful servants and affectionate well-willers of his majesty, and have to show, under the great seal of England, his majesty's gracious general pardon, by which they are restored unto the peace of his majesty, and place of true subjects;—since which time, they have committed nothing against his majesty's quiet, crown, and dignity, as being ever since in captivity; and therefore, in the rigour and extremities of those laws, which in their best sense and nature were ever held both extreme and rigorous, cannot be punished, by any form or course of law, with so severe a correction as *aquâ et igne interdici*, to be deprived of the benefit of the common air and elements of our most natural and dear country. Yet sithence it is your lordships' pleasure we should be transported, we are content, in sign of obedience and conformity to that we see is your order, for this time to forbear the realm for a while, and to absent ourselves; reputing ourselves, notwithstanding, as men free from all danger or penalty of laws, and neither by this fact of banishment, nor by any other act of our necessary return into our country hereafter, in worse estate than your lordships found us in the prison, when your lordships' warrant came, for the carrying us out of the realm. And so, hoping your honours will conceive of us, as of men that have the fear and grace of God before our eyes, and the sincere love of our prince and country in our hearts, and dutiful reverence and respect to your lordships in all actions, we humbly beseech your honours that, if we happen, for want of health or other helps necessary to our relief, to return hereafter into the realm, this banishment may not any way aggravate our case, or make us less capable of favour or grace than we were, the twenty-first of September, when your lordships' order came, to remove us from post to pillar, from prison to exile: and so, desiring God to inspire your lordships (upon whose resolutions depends the repose of the realm, and the salvation or perdition of many thousand souls) with his holy grace and assistance in all your most grave and weighty determinations, in most humble and dutiful manner we take our leave, from the sea-side, this 24th of September, 1604.

His majesty's true and loyal subjects,
And your honours' most humble servants,
The late Banished Priests.

## No. XIV.—(*Referred to at page* 41.)

*** *The names of such Popish Recusants as were indicted at the sessions holden for London and Middlesex, Feb.* 15, 1604.

[MS. in the State Paper Office.]

[The following list will shew that Carleton's computation of "twenty-eight," mentioned in the text, was greatly below the real number of persons indicted at this time.—*T.*]

*Middlesex.*

Robert Gawen.
Thomas Gawen.
Roger Widdrington.
Catherine Gawen.
Thomas Hoord.
Robert Hare.
William Wrench,
Margaret his wife,
Margaret Warde,
Elizabeth Gee,
Anne Daunce,
William Hawkins,
} Apprehended in Great St. Bartholomew's.
— Oven.
— Hawley.

*London.*

Richard Benson.
Samuel Loane.
Hugh Speake.
Richard Hatton, armiger.
John Webbe, armig.
John Moore, armig.
Francis Plowden, armig.
William Middleton, armig.
James Wilford, gent.
Walter Waller, gent.
William Green, armig.
John Webbe, miles.
Ambrose Rookwood, armig.
Henry Darrell, armig.
John Povey, gent.
Roger Lawson, armig.
Thomas Lodge, Doctor of Physic.
Christopher Askwithe, gent.

Hugh Holland, gent.
Thomas Roper Salter.
John Dabridgcourt, in prison.
Francis Bowen, yeoman, in prison.
Edward Norton, priest.
Alice Tempest.
Francis Price.
Simon Price.
William Wyon, } Apprehended in
Catherine Jury, } Gray's Inn Lane.
Phillis Wheeler.
Thomas Pratt.

*In the Counter in Wood Street.*

Thomas Penkaville, }
Peter Penkaville, } These were taken last night at
John Penkaville, } St. John's House.
Thomas Giles, }

*In the Counter.*

John Waterman, taken in Southwark.

*** *The number of Recusants indicted, in the several counties of England, with the names of the Judges before whom they appeared.*

[Original in the State Paper Office.]

*Lord Chief Justice, and Baron Clarke.*

Com. - { Norfolk, Suffolk, Cambridge, Huntingdon, Bedford, and Buckingham.

Recusants { Convicted before the last summer assises - 500 / Encreased since the last summer assises - 200 } - 700

Sectaries { Convicted and imprisoned formerly - - 4 / Convicted at the last assises - - - - 61 } - 65

No recusants have conformed themselves, but Edward Norton, in Suffolk, and John Fisher, in Norfolk; which Fisher, although he did openly conform himself, and did take his oath, hath since relapsed, and withdrawn himself from the church.

*Lord Chief Baron, and Justice Fenner.*

Com. - { Southampton, Wiltshire, Dorset, Somerset, Devon, and Cornwall.

Recusants { Indicted before the last assises - - - - 560 / Newly indicted more - - - - - - 364 } - 924

There is information of many more recusants in these counties, but not yet indicted, by reason that the bishops' officials, specially of Sarum and Exon, have not exhibited their presentments.

Many women [are] recusants; and their husbands come to church, but permit their wives to continue recusants, and to seduce others.

At the last assises in Devon, one Smith, a seminary priest, was convicted of treason, and one Richard Eveleigh convicted of felony, for maintaining and relieving him; and they both are reprieved, and so remain in prison.

At the last summer assises in Cornwall, one Thomas Mondeford, a jesuit, was attainted of treason, and yet remaineth in prison.

John Symons, a sectary, convicted and imprisoned: he affirmeth we have no church in England, that the ceremonies of our church are abominable, and that our archbishops and bishops are antichristian.

*Lord Chief Justice of the Common Pleas, and Justice Warburton.*

Com. - { Northampton, Rutland, Lincoln, Nottingham, Derby, Leicester, Warwick.

Recusants in these counties - - - - - - - - - - - - - 923

Whereof there are encreased since the beginning of his majesty's reign - - - - - - - - - - - - - - - - - - 833

William Taylor of Brymmicham (Birmingham), in the county of Warwick, miller, is accused that he said that there was a time agreed upon amongst the papists, to commit in one night a massacre of the protestants; and the actors herein should be known, by wearing a red cross, or a black cross, in their hats or in their breasts.

*Baron Saville, and Serjeant Phillipps.*

Com. - { Yorkshire. Lancashire.

Yorkshire { Recusants indicted in the county and city of York, about 1000.

Thomas Robinson was convicted and punished by pillory, and yet remaineth in prison, for reporting publicly that it was not so well with protestants as they looked for; and that, although the judges at Durham had many recusants before them the last summer assises, yet it would be no more so hereafter; for the king had sent a post to Durham, that they should not proceed against recusants, until they knew further of the king's pleasure. And he said further, that he hoped, within one twelvemonth, to see all the protestants in England hanged, or else to turn from their

religion; and that he should have the hanging of thirty or forty of them.

Yorkshire — Thomas Welborne and William Browne, both servants to Thomas Darcy, esq., a notorious recusant, were attainted of high treason, for practising to seduce the king's subjects from their obedience to his majesty, and to withdraw them to the Romish religion; but are stayed in prison, and not executed.

The vicar of Haleigh, an inveterate sectary, was indicted for not observing the book of Common Prayer.

Lancashire — Recusants indicted in Lancashire, 600.

One Burscough, a priest, being apprehended, as he was ready to say mass, was attainted of high treason, and stayed from execution. He is of small learning, and seemeth to be of mild and temperate disposition, free from practice, and condemning all that are persuaders or stirrers to faction or rebellion, and yielded to have conference with some learned preachers; and so good hope to reclaim him.[1]

There were twenty-nine persons apprehended with this priest; and twenty-six of them submitted and conformed themselves at the bar, and went presently to church to divine service.

There were fifty-six other recusants, which appeared before the judges, and fifty-two of them did submit themselves to go to church; and of these, Thomas Clifton and Henry Clifton, gentlemen well descended, were two who had never before been at divine service in the church.

*Justice Yelverton, and Justice Williams.*

Com - Oxford, Berks, Gloucester, Monmouth, Hereford, Wigorn, Salop, Stafford.

Recusants indicted - - - - - - - - - - - - - total 1865
Whereof encreased since his majesty's reign - - - -

Adam Green, a seminary priest, was, by virtue of the king's proclamation, delivered out of Oxford gaol, to the intent he should have departed the realm, according to the same proclamation.[2] But, soon

[In this hope, however, his persecutors were disappointed: and accordingly, notwithstanding the peaceable and loyal character here given to him by his enemies themselves, he was, in July, 1606, ordered into banishment, and in company with forty-eight other persons conveyed out of the country. The names of these parties will be given in a subsequent part of this Appendix.—*T.*]

[2] [This proclamation was dated Feb. 22, 1604. See page 9, ante.—*T.*]

after, he returned to Oxford, and was there taken, in the same house which he haunted before. At the last assises, he was attainted of treason, according to the law; and thereupon reprieved and stayed from execution. And, contemning that favour, within ten days after, he had prepared, in his chamber, in the castle at Oxford, all things ready to say mass. There was also found in his chamber a letter, begun to be written by him, wherein he writeth that the judge gave a strict charge and great threats, with shew of authority, which caused many to expect little difference from former times; but in conclusion it appeared manifestly that their commission was restrained.

One Tuchiner, a jesuit, was apprehended at Oxford, since the last assises, with all things ready to say mass.

It is informed that divers other jesuits and seminary priests haunt these counties, viz., White, Staunton, Standish, Webster, Gardiner, Hassell. It is likewise informed that, in a place called Darren, in the confines of the counties of Hereford and Monmouth, mass is weekly said by two jesuits, viz., Jones and Powell, with great resort unto them of persons of good quality.

One William Howell Thomas, a recusant, deceased, was buried on a Sunday, in the day-time, in the churchyard of Carellion (*Caerleon*) in Monmouthshire; being brought thither by many recusants, carrying wax candles before the corpse; and no minister was present at the same burial. Hereupon, one Morgan ap John having some speech with one Sander William James, a recusant, touching that burial, he, the said Sander, said, "we shall have mass, and that very shortly, or else thou shalt see many bloody swords." And this is testified and affirmed by the said Morgan ap John.

*Justice Gawdy, and Justice Daniel.*

Com. - { Kent, Sussex, Surrey, Essex, Hertford.

| | |
|---|---|
| Recusants in these counties - - - - - - - - - - - - - | 114 |
| Whereof encreased since the beginning of his majesty's reign - | 34 |

Robert Bastard convicted for affirming the Romish church to be the true catholic church; and he doth yet remain in prison.

## No. XV.—*(Referred to at page 42.)*

*** *The Archbishop of Canterbury to his suffragans, concerning recusants. March* 12, 1605.

[Wilkins, iv. 410.]

Salutem in Christo. I have written to your lordship before, concerning your proceeding with your factious ministers, and that you should not desist, by depriving one, two, or three, at once, until you have purged your diocese of them. Now, I am to signify unto you that his most excellent majesty hath, with the admiration of all that heard him, most fully, rarely, and resolutely declared himself (as often heretofore), touching such courses as he wisheth should be held with popish recusants; being most desirous to rid his kingdom as well of these pestiferous adversaries, as of the former: to which purpose he hath dealt very thoroughly and privily both with the lords of his right honourable privy council, and with his judges; expecting likewise that we, who are bishops, should not be negligent in discharging of our duties, so far as lieth in us, for the furthering and effecting of so royal and so religious a designment. As, therefore, my place requireth, and not without due and careful deliberation, I do commend to your good lordship, as I also have done to the rest of our brethren, these particular points following, to be thoroughly by you observed:—First, your lordship is not to depend upon the hundred-and-fourteenth canon,[1] expecting still the minister's diligence in presenting of recusants, but to use your own best endeavour, by the labour and means of all your officers and friends, to inform yourself, as well of the number, as of the qualities, of them; and the same to certify unto me, with all convenient speed:—Secondly, because order and discretion in all proceedings are principally to be observed (whereof, without my advice, your lordship will be sufficiently mindful), and for that there being differences in the dispositions of the said popish recusants, and cannot all of them be reformed together, your lordship is to take notice, by all the means before expressed, first, of all the recusants in your diocese, who they be that are the most busy in seeking to seduce others, either abroad, or at home in their own families, by bringing up their children in popery, and refusing to entertain any to serve them, especially in places of trust, that are not recusants; secondly, of all such persons of any note, who are become recusants since his majesty's coming into England, and of them that are the most insolent, as the manner of those usually is, who are newly seduced:—Thirdly, these three observations thus premised, your

[1] See No. XII. of this appendix.

lordship is to procure, as much as in you lieth, that, for the faithful accomplishment of the sixty-sixth canon,[1] no pains may be spared in conferring with the said recusants, especially with the two sorts before mentioned, who are the heads and leaders of the rest, that thereby, if it be possible, they may be reduced from their errors, and no sweet or kind means omitted, for the recovering of them to the truth:—Fourthly, in this conference you are to do your best for the reclaiming of those that are already excommunicated in their private parishes, with whom, if such travail will nothing prevail, because it is either obstinately rejected, or wilfully contemned, then let them be publicly denounced, in your cathedral church, for excommunicate persons, without any forbearance or partiality, according to the sixty-fifth canon,[2] if happily such a notorious punishment may be a means to bring them to repentance:—Fifthly, if you have, in your diocese, sundry of the first sort of the said busy and seducing recusants, not yet excommunicated, with whom conference will prevail no more than with the former before mentioned, then call two or three of the chiefest of them (for dignity, place, and perverseness, such as are heads and leaders of the rest) forthwith by your ordinary authority; and if either they will not appear (after sufficient admonition to be carefully executed, so as they may not

[1] [This was one of the canons drawn up in the convocation held in 1604. I subjoin a copy of it:—"Every minister, being a preacher, and having any popish recusant or recusants in his parish, and thought fit by the bishop of the diocese, shall labour diligently with them, from time to time, thereby to reclaim them from their errors; and if he be no preacher, then he shall procure, if he can possibly, some, that are preachers so qualified, to take pains with them for that purpose. If he can procure none, then he shall inform the bishop of the diocese thereof, who shall not only appoint some neighbour preacher or preachers adjoining to take that labour upon them, but himself also, as his important affairs will permit him, shall use his best endeavour, by instruction, persuasion, and all good means he can devise, to reclaim both them and all other within his diocese so affected." Constit. and Can. Ecclesiast. 47, 48.—*T.*]

[2] [The following is the canon referred to: "All ordinaries shall, in their several jurisdictions, carefully see and give order that, as well those who, for obstinate refusing to frequent divine service, established by public authority within this realm of England, as those also especially of the better sort and condition, who, for notorious contumacy or other notable crimes, stand lawfully excommunicate (unless, within three months immediately after the said sentence of excommunication pronounced against them, they resolve themselves, and obtain the benefit of absolution), be, every six months ensuing, as well in the parish church, as in the cathedral church of the diocese in which they remain, by the minister openly, in the time of divine service, upon some Sunday, denounced and declared excommunicate, that others may be thereby both admonished to refrain their company and society, and excited the rather to procure out a writ '*de excommunicato capiendo*,' thereby to bring and reduce them into due order and obedience. Likewise the register of every ecclesiastical court shall yearly, between Michaelmas and Christmas, duly certify the archbishop of the province of all and singular the premises aforesaid." Ibid. 47.—*T.*]

plead any probable ignorance), or, appearing, shall obstinately refuse to go to church, as our phrase is, let them be *in scriptis* excommunicated, and, after forty days, certified unto the chancery (This direction, touching the said first sort, will serve for the second, such as are of latter years revolted) :—Sixthly, of those that before stood excommunicated, and so have been publicly denounced, according to the said canon, if there be amongst them any of the said two sorts, then let two or three of the principallest of them, as is aforesaid, that have stood excommunicate forty days, be presently certified unto the said court. And for your better encouragement herein, if you shall advertise me of any such certificate, I will use my utmost endeavour to procure the writ '*De excommunicato capiendo*,' and take such order as that the same shall be faithfully and speedily served; that so they, who have not learned how to use their former liberty, may be better instructed by chastisement in prison. Your lordship knoweth that the people are commonly carried away by gentlemen recusants, landlords, and some other ring-leaders of that sort, so as the winning or punishing of one or two of *them*, is a reclaiming, or a kind of bridling, of many that do depend upon them; which hath induced me to prescribe to your lordship, by the directions precedent, such a moderation and course as I think fit to be generally pursued; hoping that, when they, who have been seduced under pretence of toleration, or I know not what vain imagined thing, shall hereby find that such disobedient persons are no longer to be borne with, but that the laws made in that behalf are carefully to be executed, they will be better advised, and reform themselves; and that the rest of such simple people will be more heedful hereafter that they be not misled and carried away by lewd persuasions of any person whatsoever: Lastly, we that are bishops, being, all of us, as is supposed, justices of the peace, it is much marvelled that so many priests and jesuits range about in our dioceses, without any impeachment or regard almost had of them; we ourselves seldom or never seeking after them. It is said that our remissness therein doth discourage the rest of the justices of the peace from taking such pains in that behalf, as heretofore they have been accustomed, and that they would be as ready as they were to join with us in that service, if they might see our willingness thereunto, either by effecting something ourselves, or by our intelligence (having all the ministers of our diocese at our commandment) would give them our best directions, where those impostors might be met with and apprehended. These things, I fear, may justly be objected against some of us; and I am driven now and then into some straights, how to excuse such our security. I do therefore very heartily pray your lordship to think thereof; not that I have any

cause to suspect you to be one of the number (if I shall speak properly), but rather to inform you what is expected at your hands, that with better discouragement we may therein discharge our duties. And thus not doubting but that your lordship will have due regard both of this last point, and likewise of all the premises; and letting you understand that I keep the copy of this my letter, that, if any of our brethren shall neglect them, or any part of them, I may have the same for my discharge, and every one of us be driven to bear his own burthen, I commit your lordship, with my hearty commendations, unto the tuition of Almighty God. From Lambeth, the 12th of March 1604-5.

Your lordship's very loving friend and brother,

R. CANTUAR.

No. XVI.—(*Referred to at page* 42.)

*** *The bishop of Hereford to the earl of Salisbury. June* 22, 1605.

[Original, in the State Paper Office.]

Right Honourable,

May it please your honour to be advertised that, upon Wednesday last at evening, being the ninteenth of June, sir James Scudamore, accompanied with Mr. Rudhall, Mr. Rowland Vaughan, and Mr. Reole, justices of peace, with such aid as I could give them, went unto the Darren and other places near adjoining, to make search, and apprehend jesuits and priests (their abettors and receivers, certain days before, being riotously abroad with weapons); and did make diligent search, all that night and day following, from village to village, from house to house, about thirty miles compass, near the confines of Monmouthshire; where they found altars, images, books of superstition, relics of idolatry; but left desolate of men and women. Except here and there an aged woman or a child, all were fled into Wales, and but one man apprehended; out of whose examination nothing worthy of relation can be gotten: all that circuit of rude and barbarous people carried headlong into these desperate courses, by priests (whereof there is great store) and principal gentlemen, lords of towns and manors there, who lead the rest at will. But our purpose was descried and made vain, except a terror stricken into them: and therefore, under correction of their honours' wisdoms, some other course must be taken: for, if we go out with few, we shall be beaten home; if we levy any strength, we are descried, and they are all fled into woods, and there they will lurk until the assises be past. Therefore, not I, but all the rest are of opinion that a proclamation must call them in, by a day prefixed, to yield themselves to his majesty's either justice or mercy.

I have also sent enclosed several examinations, concerning the riot committed at the first going out of the justices, which will yield some matter of further discovery; wherein are detected many principal actors, and all dangerous men, whereof, special men, Thomas Prichard, who raised many (a man of sir Roger Bodenham's), and Rice ap Rice, sir Charles Morgan's brother-in-law. And all these are fled their houses into corners, and presently cannot be apprehended. No vigilance or endeavour shall be wanting; and what service shall happily be effected, shall be as speedily certified as may be.

Further, it is discovered unto me, which I dare not conceal, that sir Charles Morgan, at the late queen's death, was solicited to rise up in arms. It is said, in his commendation, that he refused; yet were it expedient he were sounded, by whom. I am told that, out of question, it was by William Morgan, John Smith, and one North, a priest. It is also insinuated that Cadwallador, the priest, and William Morgan were actors, and had their finger, in the late Watson's intended treason, which was in part hammered here in these parts.[1]

Besides these things, I think it necessary to disclose what maketh some more fearful in this service;—if, in these searches, any violent resistance be made, and blood be shed besides purpose, we have no warrant of discharge in justice: we, our lands, and goods fall into the king's mercy. This maketh some go out in cold blood. My servant was put in hope, and attended long for a commission ecclesiastical for me, whereby I might better be enabled to do his highness service: but he found that which I ever found,—some unwilling that any authority of that nature should pass further than their own hands. If I may have it, I will do the service: if I may not, *liberavi animam meam.* I will live the more private, and let the blame light where it will. Besides, I am told that it will cost me near £20, in charge of drawing, writing, and sealing, which my man was not furnished to disburse, nor I willing to give. Many bishops have it. No man hath more need than I, in all the land. Thus humbly craving pardon, I commend your honour to the gracious tuition of the Almighty, who ever bless you with all heavenly graces. From your honour's in all duty,

Ro. Hereford.

Hereford, the 22d of June, 1605.

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[1] [The collection, known as the *Recusant Papers*, in the State Paper Office, abounds with charges and insinuations of this description, levelled against different individuals, and all equally without foundation. In the present instance, Cadwallador, who was afterwards apprehended and executed for his sacerdotal character, was never once charged upon his trial with the offence here imputed to him.—*T.*]

### *** *Garnet to Persons, October* 4 *and* 21, 1605.

[Original in my possession.]

[Part of the following letter is inserted by Gerard in his MS., and is, of course, translated by Greenway, in his Italian version of Gerard's work. The original bears neither signature nor address: but the hand-writing is evidently that of Garnet; while Persons, in an endorsement, expressly tells us that it was penned by that father. Of the party to whom it was addressed Gerard says nothing: Greenway, however, supplies the omission in his MS., and twice informs us that it was written to Persons. From a passage, on which I shall have occasion to remark, it will be seen that this fact is important.

Relying on the fidelity of Gerard, who declares, "*upon his conscience*," that he has "set down father Garnet's words truly and sincerely as they lie in his letter," Dr. Lingard has printed what is given by that writer, and from it has argued, with Greenway, that Garnet, on the fourth of October, the date assigned to it both by Gerard and Greenway, was still ignorant of the nature of the plot. The truth however is, that, although the *letter* was written on the *fourth*, the *postscript* was not added until the *twenty-first*, of October: that from this postscript the two jesuit writers have selected a sentence, which they have transferred to the body of the letter; and then, concealing both the existence of the postscript, and the date of the twenty-first, have represented the whole as written and despatched on the fourth. The motive for this proceeding, especially on the part of Greenway, is obvious. That writer's argument is, that the parliament had been summoned to meet on the third of October; that Garnet had not heard of the intention to prorogue it to the following month (this, to say the least, is very improbable); that, for any thing he could have known to the contrary, the great blow had already been struck, at the very time when he was writing; and, consequently, that, had he been acquainted with the intentions of Catesby and his confederates, he would never, at such a moment, have thought of proceeding, as he says he was about to proceed, towards London, and thus exposing himself to the almost inevitable danger of falling into the hands of his enemies. "Era il parlamento publicato per tenersi il 3o d'Ottobre, et quei gentilhuomini stávano al'erti et attenti di mettere in essecutione quel che disegnato havéano; et per quelli medesimi giorni stáva il padre nel suo viaggio, totalmente sprovisto di cása et d'ogni refugio, lontáno, non solamente da quelli gentilhuomini, ma anco dalli più potenti et più fidati amici che havéa; lontáno anco dagli altri padri della compagnia, et (quello che assai chiaramente demostra la totale ignorantia che di questo fatto havéa) con animo di ritornare verso Londra, dóve ordinariamente svolea residere; il che sarebbe státo un darsi nelle mani delli nemici, gia che, havendo il tumulto di essere principalmente intorno a Londra, éra impossibile che quanti in quel tempo si havessero truovati fuóra delle cáse loro, et massime in camino, non havessero cascati in mani di quelli che si saréhbono in quella confusione demostrati nemici a cattólici, et con ogni crudeltà havrebbono fatti la vendetta di quella ancóra fresca et spaventevole ruina. . . . . Le lettere da lui scritte dalli quattro d'Ottobre, cio è un giorno doppo che il parlamento dovea incomminciare, *et il disegno essere gia esseguito e finito*, ne fanno chiarissima pruova" (MS. 51[b], 52[a]). Now, the whole of this reasoning is founded on the assumption that the letter bore only the single date of the fourth. On the twenty-first, the supposed danger of a journey to London no longer existed. At that period, too, Garnet, instead of proceeding towards the metropolis, had not only removed in the opposite direction,—from Goathurst, in Buckinghamshire, to Harrowden, the seat of Lord Vaux, in Northamptonshire, but was also preparing to withdraw himself still further from the capital, and, by the end of the month, was actually at Coughton, in the neighbourhood of Alcester. In fact, what was written on the fourth, he had practically contradicted on the twenty first: and to have allowed any part of the letter, therefore, to carry this later date, would have been to supply the refutation of the very argument which it was intended to support. Hence the

expedient to which this writer has had recourse. The postscript and its date are carefully suppressed; and we are told that, looking at the contents of the letter, Garnet, when he wrote it, could have known nothing of the designs of the conspirators:—"Quando scrisse questa lettera, che fu alli quattro d'Ottobre, non sapeva niente del disegno di questi gentilhuomini, altro che il sospetto che prima havéa havuto" (Greenway's MS. 51[b]). Without stopping to notice the falsehood contained in the concluding words of this sentence, and without intending to offer an opinion here, as to the principal question of Garnet's conduct, I may still remark that even the friends of that jesuit universally admit him to have received the details of the plot from Greenway about the twenty-first; and that this fact alone may be regarded as supplying another and a sufficient motive both to the latter and to Gerard, for the suppression of that date.—I will distinguish, by inverted commas, those parts of the letter which are given by Gerard. They are the passages particularly intended to illustrate the persecution.—*T.*]

"My very loving sir,"

This I write from the elder Nicholas his residence,[1] where I find my hostess with all her posterity very well: and "we are to go, within "few days, nearer London; yet are we unprovided of a house, nor "can find any convenient, for any long time. But we must be fain to "borrow some private house for a time, and live more privately, until "this great storm be overblown: for most strict enquiries are practised, "wherein if my hostess be not quite undone, she speedeth better than "many of her neighbours.

"The courses taken are more severe than in Bess's time. Every six "weeks is a general court: juries appointed to endict, present, find the "goods of catholics, prize them, yea, in many places, to drive away "whatsoever they find, *contra ordinem juris*, and put the owners, if "perhaps protestants, to prove that they be theirs, and not of recusants, "with whom they deal. The commissioners in all counties are the "most earnest and base puritans, whom otherwise the king discounte-"nanceth. The prisoners at Wisbeach are almost famished. They "are very close, and can have no help from abroad: but the king "allowing a mark a week for each one, the keeper maketh his gain, "and giveth them meat but three days a week. If any recusant buy "his goods again, they enquire diligently if the money be his own: "otherwise they would have that too. In fine, if these courses hold, "every man must be fain to redeem, once in six months, the very bed "he lieth on: and hereof, of twice redeeming, besides other precedents, "I find one here in Nicholas his lodging.[2]

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[1] [There can be little doubt that by "the elder Nicholas" is meant *sir Everard Digby*, and that the "residence," from which the letter is written, is *Goathurst*, in Buckinghamshire, the seat of Digby, where Garnet remained for some weeks after his return from St. Winifred's Well. The pilgrimage to that celebrated spot, in September 1605, is described by Jardine (ii. 200, 201), and by Garvey, in his examination, Dec. 11, 1605, in the State Paper Office, No. 153.—*T.*]

[2] [To conceal the name, Gerard, instead of "Nicholas his lodging," gives "this lodging where now I am."—*T.*]

"The judges now openly protest that the king will have blood, and "hath taken blood in Yorkshire; and that the king hath hitherto "stroked papists, but now will strike:—and this is without any least "desert of catholics. The execution of two in the north is certain:[1] "and whereas it was done upon cold blood, that is, with so great stay "after their condemnation, it argueth a deliberate resolution of what "we may expect: so that you may see there is no hope that Paul[2] can "do any thing; and whatsoever men give out there, of easy proceedings "with catholics, is mere fabulous. And yet, notwithstanding, I am "assured that the best sort of catholics[3] will bear all their losses with "patience: but how these tyrannical proceedings of such base officers "may drive particular men to desperate attempts, that I cannot answer "for:—the king's wisdom will foresee."

In my journey, I have met with divers journeymen, and workmen also, to my great comfort; and in every place I have been exceedingly welcome,—more than I deserved.

The party, that promised a hundred marks per annum, is in such want, that I may not urge it. For the new house of prentices[4] I had provided some several persons, who were come up to London: but I have sent them back to the spring. Sicklemore is a great suitor, and Holtby entreateth for him. He is of good talents and strength of body, and now qualified, as they say, in his choler. I pray you send word if you will have him.

Father Stanny, the jesuit, is now very well in the Gatehouse, though close: yet it is thought he shall go over, at the French ambassador's request; to which ambassador we are all beholden: and the suit cometh of the ambassador's self. This father Stanny hath written of himself, that he was sorely tormented with the stone, and had also the measles, and, for want of sleep, fell into conceit the house, where he was, should be searched: therefore, went out, for fear of hurting the family; came to an inn, where, having not slept, in the morning he imagined the town was all in armour, betwixt catholics and heretics, and so thought he must also do his part, and so called for a knife, and struck the chamberlain. He hath been diversely examined; but all is well ended,

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[1] [*Three* persons had already been executed in the north, during the present year;—Thomas Welbourn and John Fulthering, at York, on the first of August, and William Brown, at Rippon, on the fifteenth of September. Challoner, ii. 12, 13.—*T.*]

[2] [Pope Paul the fifth.—*T.*]

[3] [Greenway, who must have known Garnet's meaning, translates this "li primi et principali tra gli cattolici."—*T.*]

[4] [He alludes to the noviciate, which was opened in St. John's at Louvain, in the following year. "Prentices" and "workmen" were the cant terms by which the novices and missionaries were designated.—*T.*]

and rather edification taken of all sorts, than otherwise; and catholics esteem of him as of a saint, as, indeed, his carriage, for these twenty years, hath deserved.

I forgot to write again the jest, which once I wrote in the letter which was missent to Joseph,[1] which he returned to me very unluckily; that is, that father Persons [having] procured Mr. Thomas Fitzherbert to be the pope's secretary, exacted, first, an oath that Mr. Fitzherbert should discover all the secrets; which oath prevailing against the other second oath, taken to the pope himself, divers secrets were known, which Clement knew must needs be discovered by his secretary Fitzherbert, who, either by torture or for fear of the same, disclosed his former oath to father Persons, who thereupon fled to Naples. This I write, to make you sport: but Mr. Christopher Southworth most confidently reported it.[2]

I sent you lately an answer to the complaint of the benedictines. The gentlewoman is dead, and hath left her husband scarce able to maintain himself, much less to continue the benedictines' host, as I contend; whom yet I will use with all kindness.

I pray you send word how many coadjutors you will have. I have one, a citizen of London, of very good experience, which may benefit us, in buying and selling without taxes. But he is fifty years old:— and I think it not amiss to have, at the first, some ancient men for such. Send your will herein.

[*A short but separate paragraph of three lines is here carefully obliterated.*]

I am in wonderful distress, for want of the ordinary allowance from Joseph. I pray you write for all the arrearages, which if it may all be gotten, I can spare you some. Thus, with humble remembrance to Claud, yourself, Fabio, Perez, Duras, and the rest, I cease, 4° Octobris.

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[1] [I suspect that, by "Joseph", here and elsewhere, is meant father Joseph Creswell, the jesuit superior in Spain. See page lxvi. ante.—*T.*]

[2] [From the fact that this letter is addressed to Persons himself, it is evident that Garnet did not believe the story, at which he is here laughing. It is true, indeed, that Persons had been ordered to quit Rome, and that, only in the preceding May, he had been fruitlessly importuning the General for permission to return (Stonyhurst MSS. Ang. A. iii. 54). Still, from his own letter, it is evident that he was himself unacquainted with the real author of his banishment; a circumstance which, of itself, is quite sufficient to refute the tale circulated by Southworth. I will subjoin his words:—"Two points only now I stand upon, as you will see by my letters to father General,—the first, that I may have license to return presently, if I wax worse; but, if I grow better, and that father General will have me stay abroad, that you get out of him upon what ground, that is, who are the causes, to wit, Spain, France, the pope, &c.; how long it is meant; what I may answer to them that do urge me in that point; whether he will not be content that I use some diligence to remove these obstacles; and the like." Ibid.—*T.*]

My hostesses both and their children salute you. Sir Thomas Tresham is dead.

21° Octobris.

This letter being returned unto me again, for reason of a friend's stay in the way, I blotted out some words, purposing to write the same by the next opportunity, as I will do apart.[1]

" I have a letter from Field, the journeyman in Ireland, who telleth " me that, of late, there was a very severe proclamation against all " ecclesiastical persons, and a general command for going to the " churches, with a solemn protestation, that the king never promised " nor meant to give toleration."

I pray you speak to Claude, to grant them, or obtain for them, all the faculties we have here; for so he earnestly desireth, and is scrupulous. I gave unto two of them, that passed by me, all we have; and I think it sufficient in law: for, being here, they were my subjects, and we have our faculties also for Ireland, for the most part. I pray you procure them a general grant for their comfort.

[*Endorsed by Persons originally thus,*—" P. Garnet, 21 Octobris, 1605, of the Persecution:" *with the same ink, however, he has subsequently drawn his pen through the* " 21," *and above it written* " 4°." *In another corner of the paper also, where it appears most likely to catch the eye, he has inscribed the same date, thus,*—" 4°. 8bris."—*T.*]

## No. XVII.—(*Referred to at page* 60.)

*** *Breve of Pope Clement VIII. to the English Catholics, concerning the succession to the English crown. July* 5, 1600.

[MS. in my possession.]

Anglis Catholicis.

Dilecti filii, salutem et apostolicam benedictionem. Difficillimis christianæ reipublicæ temporibus, quibus ecclesiæ suæ sanctæ catholicæ is, qui infima elegit ut fortia confundat, humilitatem nostram præesse voluit, multæ nos curæ angunt, multæ solicitudines cor nostrum dies noctesque excruciant; tametsi non deficimus animo, illius gratiâ nos corroborante, qui consolatur nos in omni tribulatione nostrâ: sed de vestrâ, filii, regnique istius Angliæ olim florentissimi, salute imprimis anxii et soliciti sumus; eaque cogitatio in corde nostro penitùs infixa inhæret. Nam qui, terrarum et maris spatiis, longè à nobis disjuncti estis, iidem in Christo propinqui, et in spiritu charitatis ita intimi nobis estis, ut in sinu et præcordiis nostris habitetis: neque ulla res magis

[1] [This refers to the obliterated paragraph, mentioned in the preceding page. —*T.*]

nos recreat et consolatur in Domino, quàm cum audimus fidem vestram, constantiam vestram, consensionem et unitatem vestram in vinculo pacis; quo magis Deo et Patri gloriæ gratias agimus, eumque assiduè oramus, ut det vobis virtutem et robur in interiore homine, et abundantiam divinæ gratiæ, ut non deficiatis in tribulationibus vestris, sed faciatis cum tentatione proventum, ambulantes unanimes, et cum consensu, in domo Domini quæ est ecclesia sancta, in charitate radicati et fundati, unum corpus et unus spiritus, sicut vocati estis in unâ spe vocationis vestræ. Illud autem scitote, filii, nihil Satanæ esse formidolosius, cujus multiplices astutias non ignoramus, quàm concordiam et unionem fratrum, qui, glutine charitatis adstricti, quæ est vinculum perfectionis, soli Deo serviunt in corde sincero, et non quærunt quæ sua sunt, sed quæ Jesu Christi. Ecce multa et gravia passi estis propter nomen Christi, et propter fidem catholicam, ut inviolatum custodiretis pretiosum depositum quod à sanctâ Romanâ ecclesiâ, omnium ecclesiarum matre ac magistrâ, avi ac majores vestri acceperunt, ut de vobis, ad Dei gloriam, illud apostoli usurpare liceat,—Magnum certamen sustinuistis passionum, vexati, afflicti, bonis paternis spoliati, exules, extorres, patriâ ejecti, spectaculum facti Deo, et angelis, et hominibus. Nolite itaque amittere confidentiam, fortitudinem, et patientiam vestram, quæ, omni tempore, et nunc maximè, necessaria vobis est, ut, voluntatem Dei facientes, reportetis promissionem et mercedem perseverantiæ; adhuc enim modicum aliquantulum qui venturus est veniet, et non tardabit: sic enim confidimus in eo, qui dives est in misericordiâ, quòd, propter gloriam nominis sui, vestris ac aliorum servorum suorum orationibus excitatus, exurget, et judicabit causam suam, et, post diuturnas tempestates, imperabit ventis ac mari, et fiet optata tranquillitas. Itaque, ne fatigemini, animis vestris deficientes, sed fortes et constantes estote, et retinete summo studio concordiam vestram in charitate Christi. Cavete autem quàm diligentissimè ne ob ullas terrenas rationes, et humanæ perturbationis affectus, eorum consiliis adhæreatis, eorumve partes ullo modo sequamini, qui à catholicâ fide alieni manifestò sunt, aut in hæresis suspicionem inciderunt. Nulla enim societas luci ad tenebras, neque pax catholico cum hæretico: dum impietate et erroribus suis implicati sunt, partem vobiscum habere non possunt. Quamobrem ad solam Dei gloriam, et catholicæ religionis conservationem, ad veram regni utilitatem quæ sine fidei integritate constare nequit, et denique ad antiquam patrum vestrorum felicitatem in Christo respicite, qui veræ et incorruptæ fidei laude tantoperè floruerunt. Non deseret vos Deus, si vos de nullâ re magis quàm de ejus honore et cultu soliciti eritis, ut nos certè fore de vestrâ perspectâ pietate et zelo confidimus, et ut sitis paternè etiam atque etiam hor-

tamur. Nos verò omni opportuno loco et tempore, omni ope et operâ, quantum cum Deo poterimus, vobis præsto erimus, quos ut filios in Christo dilectos, in ejusdem Christi visceribus gerimus. State igitur unanimes in Domino, charissimi, et pax Dei, quæ exuperat omnem sensum, custodiat corda vestra et intelligentias vestras in Christo Jesu. Et hæc quidem vobis scribimus, non quòd de vestrâ religione, pietate, constantiâ, et simul etiam prudentiâ, ullo pacto dubitemus; sed potiùs ut muneri ac officio nostro aliquo modo satisfaciamus, atque inter vos vicissim in omni pressurâ consolemur. Deus autem totius consolationis ipse vos consoletur, filii, cujus nos locum, quamvis immeriti, in terris tenentes, vobis nostram apostolicam benedictionem paterni amoris affectu tribuimus et impertimur. Datum Romæ, apud Sanctum Petrum, sub annulo Piscatoris, die 5°. Julii, anno Jubilæi, 1600; Pontificatûs nostri anno nono.

*Endorsed*

"Breve Clementis Octavi ad catholicos Anglos, de catholico successore in Angliâ procurando. 5°. Julii, 1600."

## No. XVIII. *(Referred to at page 64.)*

### *** Aquaviva, the General of the Jesuits, to Garnet. June 25, 1605.

[Copy in the State Paper Office.]

*Intelleximus, etsi planè admodùm secretò, quod ipsum istic reverentiam vestram cognovisse mihi persuadeo,*[1] catholicos nonnihil jam meditari molirique pro libertate; quæ sanè res, hoc præsertim tempore, cum non solum multa incommoda, eaque gravissima, religioni esset allatura, sed etiam ipsosmet catholicos omninò esset in discrimen vocatura, S. D. N. jussit ut ad reverentiam vestram suo nomine scriberem, ut omni conatu cum principibus istis ac dominis, præsertim cum domino archipresbytero, agat, efficiatque ne ejusmodi cogitata tractentur, nedum perficiantur, ob supradictas causas, sed ob eam præsertim, quòd jubet sua sanctitas, quæ, præterquam quòd nullo modo probat tales tractatus agitari inter istos catholicos, affirmat omninò fore ut majora bona impediantur, quæ clementia et benignitas beatitudinis suæ in istos catholicos jam cogitat, et perficere conatur; cum certum sit sanctitatem suam

[1] [Eudæmon Joannes (249, 250), More (325), and others, profess to give this letter as it was written,—"rescripsit in hæc verba;" but, besides other variations, they wholly omit the introductory part of the first sentence, which I have printed in italics, and then assure us that the letter was a reply to certain earnest representations made by Garnet, in the preceding month, as to the "desperate" designs of some catholics. The words here supplied, however, distinctly shew that Garnet had made no such representations, and that the intelligence, obtained at Rome, had been derived from a different source.—*T.*]

nunquam defuturam, nec in præsenti deesse, meditando, ut dixi, et quærendo ea media, quibus et cum pace et securioribus eventibus adjuventur.

Quare, cum reverentia vestra probè intelligat rei gravitatem et necessitatem, omninò conandum erit ut hujusmodi cogitationes deponantur, quoniam quidem ad superiores rationes, quæ maximæ sunt et gravissimæ, accedit hæc altera minimè temnenda, quòd etiam in bonum catholicorum cedet; quia, si evenerit, quod Deus avertat, non mediocre damnum offeret societati nostræ, cum non ita facilè quis crediderit, hæc sine nostrorum saltem consensu factitata esse. 25 Junii, 1605.

*** *Garnet to the General, in answer to the preceding. July* 24, 1605.

[Copy in the State Paper Office.]

Accepimus paternitatis vestræ literas, quas eâ quâ par est reverentiâ erga suam sanctitatem, et paternitatem vestram amplectimur. Et quidem, pro meâ parte, quater hactenùs tumultum impedivi; nec dubium est, quin publicos omnes armorum apparatus prohibere possimus, cum certum sit multos catholicos absque nostro consensu nihil ejusmodi, nisi urgente necessitate, attentare velle. Est tamen quod nos valdè solicitos tenet,[1] ne alii fortassis in unâ aliquâ provinciâ ad arma convolent, unde alios ipsa necessitas ad similia studia compellat; sunt enim non pauci, qui nudâ suæ sanctitatis jussione cohiberi non possunt. Ausi sunt enim, vivo papâ Clemente, interrogare num posset papa illos prohibere, quominùs vitam suam defendant. Dicunt insuper suorum secretorum presbyterum nullum fore conscium; nominatim verò de nobis conqueruntur et amici nonnulli, nos illorum molitionibus obicem ponere. Atque ut hos aliquo modo leniremus, et saltem tempus lucraremur, ut dilatione aliquâ adhiberi possint congrua remedia, hortati sumus ut communi consilio aliquem ad suam sanctitatem mitterent, &c. Orandus est Deus, ut his tantis malis necessarium aliquod remedium adhibeat. Suæ sanctitatis, sicut et paternitatis vestræ benedictionem imploramus. Londini, 24 Julii, 1605.[2]

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[1] [I should inform the reader that this letter is inserted by Gerard in his MS. (c. vi. 78), and that from him, or, what is the same thing, from Greenway, it has been adopted by Eudæmon Joannes (253, 254), and by all the writers connected with the society. In Gerard's copy, and, of course, in all the others, the words, "Est tamen quod nos valdè solicitos tenet," as they occur here, are, for a reason which will appear presently, changed into, "Duo tamen sunt quæ nos valdè solicitos tenent."—*T.*]

[2] [Gerard's copy, after the word "mitterent," in the last line but three, has no "&c.", but, continuing the sentence, thus proceeds,—"quod factum est, eumque ad illustrissimum nuncium in Flandriam direxi, ut ab ipso suæ sanctitati commendetur, scriptis etiam literis, quibus eorum sententiam exposui,

## No. XIX.—*(Referred to at page 65)*

### *** *Blackwell to his Assistants and Clergy. July 22, 1605.*

[Original in the State Paper Office.]

My very reverend good brethren,

What I write unto you now is his holiness s mandatum,—that you endeavour to suppress all the late suspected attempts and proceedings

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et rationes pro utrâque parte. Hæ literæ fusè scriptæ et plenissimæ fuerunt; tutissimè enim transferentur:—atque hoc de primo periculo.

"Alterum est aliquanto deterius; quia periculum est ne privatim aliqua proditio vel vis regi offeratur; et hoc pacto omnes catholici ad arma compellantur. Quare, meo quidem judicio, duo necessaria sunt: primum ut sua sanctitas præscribat quid quoque in casu agendum sit; deinde, ut sub censuris omnem armorum vim catholicis prohibeat; idque brevi publicè edito, cujus occasio obtendi potest nuper excitatus in Walliâ tumultus, qui demum in nihilum recidit. Restat ut, cum in pejus omnia quotidie prolabantur, oremus suam sanctitatem his tantis periculis ut brevi necessarium aliquod remedium adhibeat; cujus, sicut et paternitatis vestræ, benedictionem imploramus. Londini, 24 Julii, 1605,

"Magnificæ Dominationis vestræ servus,

"Henricus Garnettus."

Now which of these two copies, it will be asked, is the correct transcript of the original?—For my own part, I have no hesitation in preferring that which I have printed above from the State Paper Office; for, although by the "&c.", after the word "mitterent," it may be supposed to mark an omission of some sort, still there is, I think, sufficient evidence to shew that the omission cannot be of any thing material, far less of such important passages as those which Gerard has inserted. To be able, in fact, to suppose that one half of the letter is hidden under this "&c.", it is also necessary to suppose that the words, on which I have remarked in the preceding note, have been perposely changed from the plural to the singular; that this has been effected, and that the variations, observable in the two concluding sentences, have been introduced, for the special purpose of concealing the omission; and that thus a piece of dishonesty has been perpetrated, which is not only without any assignable motive, but is morally incompatible with the fact, that the "&c." marks, and is *intended* to mark, the place where something has been omitted. This is evident, even supposing, what is by no means certain, that the abbreviated form in question is not a part of the original, and that the omission, if any, was not made by Garnet himself. But the strongest argument, in favour of this copy, is the impossibility of reconciling the date of a supposed fact mentioned in Gerard's additions, with that of the present letter. Garnet says that, for the purpose of gaining time, he has exhorted the parties of whom he speaks to send an envoy to the pope: and Gerard makes him add, not only that his exhortations have been effectual, but that the envoy is already (July 24) on his road. Now, it was proved on the trial of Garnet, and it was acknowledged by that jesuit himself, that the person thus accredited to the pontiff was Sir Edmund Baynham; that Baynham was the bearer of the letters, mentioned in Gerard's copy as addressed to the nuncio; but that it was not until the latter part of September, that he left England, to proceed to his destination (Garnet's confession Feb. 20, in Antilogia, 141). Looking at this fact, Dr. Abbot, when he wrote his Antilogia, hesitated not to pronounce the present letter, or its date, to be a forgery (Antil. 142): others have since adopted the bishop's opinion, and Dr. Lingard (ix. 45, note), to sustain the

for liberty, quia non solùm multa incommoda, eaque gravissima, religioni allatura, sed etiam catholicos omninò in discrimen perniciemque vocatura. Sua sanctitas nullo modo probat tales tractatus agitari inter catholicos; imo jubet ut hujusmodi cogitationes deponantur. Pro viribus ergo in illud incumbamus, efficiamusque nostrâ authoritate ne tales cogitationes et molitiones tractentur aut perficiantur, non solùm ob insigne damnum quod inde omninò consequeretur omnes catholicos, verùm etiam et mandatum papæ, qui sic jubet et prohibet.

Of this much you are to give notice to all our brethren, especially to such as are in or about those parts, in which such unlawful matters are suspected to have been contrived or devised. Myself never allowed of any such attempts, but still was of the selfsame mind, which is now plainly delivered unto us by his holiness. I hope you will be forward to publish this mandatum, to the suppressing of all suspected discommendable actions. And so I commend myself unto your prayers. July 22, 1605.

Vester servus in Christo,

Georgius Blackwellus, Archipresbyter.

*** *The same to the Catholic Clergy and Laity of England. Nov.* 7, 1605.

[Original, in the possession of the Dean and Chapter.]

To the honourable, worshipful, and other catholics.

Your honours, worships, and wisdoms do perfectly understand by this late proclamation, what an intolerable, uncharitable, scandalous, and desperate fact should have been practised against the king's majesty, the prince, the peers, and nobility of our country; in the malice whereof had been entrapt our friends, strangers, and many others our well-

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authenticity of the document as it stands in Gerard and his copyists, has been compelled to suppose that Garnet, when he named Baynham as the messenger, sought to conceal the real envoy, and thus designedly named the wrong person. To me the letter, as I have printed it above, and as it exists in the State Paper Office, appears to remove all the difficulty. In a former instance, I have shewn that Gerard could take two different parts of a letter, written at different times, and bearing different dates, and place them together as the production of the same day (page cii. ante). In the present case, it is impossible to help suspecting that he has recurred to a similar device; and that, having altered so much of the letter itself as was necessary to make it agree with what was to follow, has taken the contents of another paper, and attached them to the present document. —*T.*]

[1] [This letter is printed by Collier (ii. 691); but, besides some other minor errors, he has mistaken the date, and thus represented it as referring to some papal mandate issued in the summer of 1606. If the reader will turn to the letter of Aquaviva (page cviii. ante), he will find that the Latin passage in the present paper is transcribed almost literally from that document.—*T.*]

willers of all sorts, and that with the perturbations and utter ruins of our native country and catholic religion. And here, to the encrease of the horror of the matter, there is made a discovery of a catholic to be privy to this detestable device; which surely, as it is lamentable, so your wisdoms do know that it is against the prescript of a general council, and against the sentence of our best catholic writers of our age. It is known by my letters published already, that his holiness hath prohibited all such attempts against our king, and hath commanded us to bear patiently all extremities offered us for our faith and conscience. Besides, it is evident that, in the council of Constance, this opinion of Wyclyffe was condemned, that populars and subjects can, of their own will, correct their offending superiors. Moreover, our divines do say that it is not lawful for private subjects, by private authority, to take arms against their lawful king, albeit he become a tyrant. All which points considered, my grief is the more augmented, to hear that any catholic man should be privy to so strange, unheard-of, and pitiful fact against our king and native country. To remedy this, by the grace of God, we priests are bound to instruct our ghostly children that, without most grievous offence of God and holy church, private violent attempts cannot be thought of, much less may be aided and maintained by catholics: for it is our parts to make a virtue of necessity, and to make our gain and encrease by patience and prayer. For my own part (which is a duty common to us all), if any notice had been given to me, I should have been most forward, by all possible means, to have stayed and suppressed the same: and I most earnestly desire your charities to have a careful eye over your ghostly children, that they fail not in duty towards God and our king, that our suffering may be our succour, our obedience our ease, our quiet behaviour may procure a mitigation of our troubles. This will please God, mollify man, and encrease our merits for a greater glory in the world to come. November 7.

Vester servus in Christo,
Georgius Blackwellus, Archipresbyter.

*** *The same to the same. Nov. 28, 1605.*

[Cotton MSS. Titus, B. vii. 468.]

To my reverend brethren, the assistants and other priests, and to all the catholics whosoever, within the realm of England.

Since my late letters published (declaring the unlawfulness of the late desperate attempt against our gracious sovereign, the prince, nobility, and other estates of the realm; as also the inward heart-grief conceived amongst us, that any catholics should be instruments in so detestable

and damnable a practice, so odious in the sight of God, and horrible to the understanding of men), some uncertain rumours have lately been spread, of intentions against persons of special honour and state, which how true they be God best knows, yet myself, in tender discharge of my duty (with the first to fear the worst, and hoping charitably for the best, that they are rather untruths or reports, than true suggestions), have thought it good to signify unto you, my assistants, and all other my brethren, priests and catholics whatsoever in this realm, that no violent action or attempt against the person of our dread sovereign, the king, his royal issue, nobility, counsellors, or officers of state, can be other than a most grievous and heinous offence to God, scandalous to the world, utterly unlawful in itself, and against God's express commandment. The which I desire you, my assistants, to communicate to our brethren, the priests; and we and they, as heretofore we have done, to instruct our ghostly children accordingly; assuring myself that, as his holiness has already, in general to me, prohibited all such unlawful attempts, so undoubtedly, when notice of such shall come unto him, he will, by his public instruments, manifest and declare to the world his utter dislike and detestation thereof, with as deep ecclesiastical censures as are in his power to impose upon such, as shall so wickedly and maliciously contrive such devilish devices. In the mean time, by the authority I have, and so much as in me is, I do humbly entreat, and straightly charge and enjoin, all catholic persons that live under obedience of mine authority, upon the utter pain that can or may ensue thereby, that none of them dare or do presume to attempt any practice or action, tending in any degree to the hurt or prejudice of the person of our sovereign lord, the king, the prince, nobility, counsellors, or officers of state; but towards them, in their several places and degrees, to behave themselves as becomes dutiful subjects and religious catholics to their loyal king, his counsellors and officers, serving in place of authority under him. November 28, 1605.

Vester servus in Christo,
G. Blackwellus, Archipresbyter.

## No. XX.—(*Referred to at page* 67.)

### *** *An Act for the better discovering and repressing of Popish Recusants.*

[Stat. 3 Jac. I. c. 4.]

I. Forasmuch as it is found by daily experience, that many his majesty's subjects, that adhere in their hearts to the popish religion, by the infection drawn from thence, and by the wicked and devilish

counsel of jesuits, seminaries, and other like persons dangerous to the church and state, are so far perverted in the point of their loyalties and due allegiance unto the king's majesty and the crown of England, as they are ready to entertain and execute any treasonable conspiracies and practices, as evidently appears by that more than barbarous and horrible attempt to have blown up with gunpowder the king, queen, prince, lords, and commons, in the house of parliament assembled, tending to the utter subversion of the whole state, lately undertaken by the instigation of jesuits and seminaries, and in advancement of their religion, by their scholars taught and instructed by them to that purpose; which attempt, by the only goodness of Almighty God, was discovered and defeated: And where divers persons popishly affected do, nevertheless, the better to cover and hide their false hearts, and with the more safety to attend the opportunity to execute their mischievous designs, repair sometimes to church, to escape the penalty of the laws, in that behalf provided:

II. For the better discovery, therefore, of such persons and their evil actions to the king's majesty and the state of this realm, to the end that, being known, their evil purposes may be the better prevented, be it enacted by the king's most excellent majesty, &c., that every popish recusant, convicted or hereafter to be convicted, which heretofore hath conformed him or her self, or which shall hereafter conform him or her self, and repair to the church, and continue there during the time of divine service, according to the laws and statutes in that behalf made and provided, shall, within the first year next after the end of this session of parliament, if he or she be conformed, as aforesaid, before the end of this session of parliament, or within the first year next after that he or she shall, after this session of parliament, so conform him or her self, and repair to church as aforesaid, and after the said first year, shall, once in every year following, at the least, receive the blessed sacrament of the Lord's Supper in the church of that parish, where he or she shall most usually abide or be, within the said year wherein, by the true meaning of this statute, he or she ought so to receive:

III. And if there be no such parish church, then in the church next adjoining to the place of his or her such most usual abode: And if any recusant, so conformed, shall not receive the said sacrament of the Lord's Supper accordingly, he or she shall, for such not receiving, lose and forfeit, for the first year, twenty pounds, and, for the second year for such not receiving, forty pounds, and, for every year after for such not receiving, threescore pounds, until he or she shall have received the said sacrament, as is aforesaid; and if after he or she shall have received the said sacrament, as is aforesaid, and after shall eftsoons at

any time offend in not receiving the said sacrament as is aforesaid, by the space of one whole year, that, in every such case, the person so offending shall, for every such offence, lose and forfeit threescore pounds of lawful English money; the one moiety to be to our sovereign lord, the king's majesty, his heirs and successors, and the other moiety to him that shall sue for the same; &c.

IV. And be it further enacted by authority of this present parliament, that the churchwardens and constables of every town, parish, or chapel, for the time being, or some one of them, or, if there be none such, then the chief constables of the hundred where such town, parish, or chapel is or shall be, or one of them, as well in places exempt as not exempt, shall, once in every year, present the monthly absence from church of all and all manner of popish recusants within such towns and parishes, and shall present the names of every of the children of the said recusants, being of the age of nine years and upwards, abiding with their said parents, and, as near as they can, the age of every of the said children, and all the names of the servants of such recusants, at the general or quarter sessions of that shire, limit, division, or liberty.

* * * *

VIII. And be it further enacted that every offender in not repairing to divine service, but forbearing the same contrary to the statutes in that behalf made and provided, that hereafter shall fortune to be thereof once convicted, shall, in such of the terms of Easter and Michaelmas, as shall be next after such conviction, pay into the receipt of the exchequer after the rate of twenty pounds for every month which shall be contained in the endictment, whereupon such conviction shall be; and shall also, for every month after such conviction, without any other endictment or conviction, forfeit twenty pounds and pay into the receipt of the exchequer aforesaid, at two times in the year, that is to say in every Easter and Michaelmas term, as much as then shall remain unpaid, after the rate of twenty pounds for every month after such conviction, except in such cases where the king shall and may, by force of this act, refuse the same, and take two parts of the lands, tenements, &c, of such offender, till the said party being endicted for not coming to church, contrary to former laws, shall conform himself and come to church, according to the meaning of the statute in that behalf made and provided.

* * * *

XI. And forasmuch as the said penalty of twenty pounds monthly is a greater burden unto men of small living, than unto such as are of better ability, and do refuse to come unto divine service as aforesaid,

who, rather than they will have two parts of their lands to be seized, will be ready always to pay the said twenty pounds, according to the limitation of the said statutes, and yet retain the residue of their livings and inheritance in their own hands, being of great yearly value, which they do, for the most part, employ, as experience hath taught, to the maintenance of superstition and popish religion, and to the relief of jesuits, seminaries, popish priests, and other dangerous persons to the state,—Therefore, to the intent that hereafter the penalty for not repairing to divine service might be inflicted in better proportion upon men of great ability, be it enacted, by the authority of this present parliament, that the king's majesty, his heirs and successors, shall, from and after the feast of St. Michael next coming after the end of this session of parliament, have full power and liberty to refuse the penalty of twenty pounds a month, though it be tendered, ready to be paid according to the law, and thereupon to seize and take to his own use, and the uses, intents, and purposes hereafter limited, two parts, in three to be divided, as well of all the lands, tenements, and hereditaments, leases, and farms, that, at the time of such seizure, shall be, or afterward shall come, to the said offenders in not coming to church, * * as of all other lands, tenements and hereditaments, in any wise, or at any time, liable to such seizure, or to the penalties aforesaid, and the same to retain to his own and other uses intents and purposes hereafter in this act appointed, till every such offender shall conform him or her self respectively, as aforesaid, in lieu and full recompense of the twenty pounds monthly that, during his such seizure and retainer, shall incur.

* * * *.

XII. Provided always, and be it enacted by the authority aforesaid, that the king's majesty, his heirs and successors, shall not take into his two parts, but leave to such offender, his chief mansion house, as part of his third part; and shall not demise, lease, nor put over the said two parts, nor any part thereof, to any recusant, nor to or for the use of any recusant: and that whosoever shall take the same in lease, or otherwise, of his majesty, his heirs and successors, shall give such security not to suffer waste to be committed in or upon any the said premises, as by the court of exchequer shall be allowed sufficient.

XIII. And for the better trial how his majesty's subjects stand affected in point of their loyalty and due obedience, be it also enacted by the authority aforesaid, that, from and after the end of this present session of parliament, it shall be lawful to and for any bishop in his diocese, or any two justices of the peace, whereof one of them to be of the *quorum*, within the limits of their jurisdiction, out of the sessions,

to require any person of the age of eighteen years or above, being, or which shall be, convict or endicted of or for any recusancy (other than noble men or noble women) for not repairing to divine service, according to the laws of this realm, or which shall not have received the said sacrament twice within the year then next past (noble men or noble women excepted), or any person passing in or through the country, shire, or liberty, and unknown (except as is last before excepted), that, being examined by them upon oath, shall confess or not deny himself or herself to be a recusant, or shall confess or not deny that he or she had not received the sacrament twice within the year then last past, to take the oath hereafter following, upon the holy evangelists. * * *

XIV. And be it further enacted that, if any such person or persons, other than noble men or noble women, shall refuse to answer upon oath to such bishop or justices of peace, examining him or her, as aforesaid, or to take the said oath so duly tendered unto him or her by such bishop, or two such justices of peace, out of sessions, that then the said bishop or justices of peace shall and may commit the same person to the common gaol, there to remain without bail or mainprise, until the next assise, or general or quarter sessions to be holden for the said shire, division, limit, or liberty, where the said oath shall be again, in the said open assises or sessions, required of such person by the said justices of assise, or justices of peace, then and there present, or the greater number of them: And if the said person or persons, or any other person whatsoever, other than noble men or noble women, of the age of eighteen years or above, shall refuse to take the said oath, being tendered to him or her by the justices of assise and gaol-delivery, in their open assises, or the justices of peace, or the greater part of them, in their said general or quarter sessions, every person so refusing shall incur the danger and penalty of premunire, mentioned in the statute of premunire, made in the sixteenth year of king Richard the second, except women covert, who, upon refusal of the said oath, shall be, by the said justices of assise, in their open assise, or justices of peace, in their general or quarter sessions, for the said offence committed only to the common gaol, there to remain, without bail or mainprise, till they will take the said oath,—the tenour of which oath hereafter followeth:—

XV. "I, A. B., do truly and sincerely acknowledge, profess, testify, "and declare in my conscience, before God and the world, that our "sovereign lord king James is lawful and rightful king of this realm, "and of all other his majesty's dominions and countries; and that the "pope, neither of himself, nor by any authority of the church or see of

"Rome, or by any other means with any other, hath any power or au-
"thority to depose the king, or to dispose of any of his majesty's
"kingdoms or dominions, or to authorise any foreign prince to invade
"or annoy him or his countries, or to discharge any of his subjects of
"their allegiance and obedience to his majesty, or to give license or
"leave to any of them to bear arms, raise tumults, or to offer any vio-
"lence or hurt to his majesty's royal person,state, or government, or to
"any of his majesty's subjects, within his majesty's dominions.

"Also I do swear from my heart that, notwithstanding any declara-
"tion or sentence of excommunication or deprivation, made or granted,
"or to be made or granted, by the pope or his successors, or by any
"authority derived, or pretended to be derived, from him or his see,
"against the said king, his heirs, or successors, or any absolution of the
"said subjects from their obedience, I will bear faith and true alle-
"giance to his majesty, his heirs and successors, and him and them
"will defend, to the uttermost of my power, against all conspiracies and
"attempts whatsoever, which shall be made against his or their persons,
"their crown and dignity, by reason or colour of any such sentence or
"declaration, or otherwise; and will do my best endeavour to disclose
"and make known unto his majesty, his heirs and successors, all trea-
"sons and traitorous conspiracies, which I shall know or hear of, to be
"against him, or any of them.

"And I do further swear that I do, from my heart, abhor, detest,
"and abjure, as impious and heretical, this damnable doctrine and
"position,—that princes, which be excommunicated by the pope,
"may be deposed or murdered by their subjects, or any other what-
"soever.

"And I do believe, and in my conscience am resolved, that neither
"the pope, nor any other person whatsoever, hath power to absolve
"me from this oath, or any part thereof, which I acknowledge by
"good and full authority to be lawfully ministered unto me, and do re-
"nounce all pardons and dispensations to the contrary.

"And these things I do plainly and sincerely acknowledge and swear,
"according to these express words by me spoken, and according to the
"plain and common sense and understanding of the same words,
"without any equivocation, or mental evasion, or secret reservation
"whatsoever: And I do make this recognition and acknowledgment
"heartily, willingly, and truly, upon the true faith of a christian. So
"help me God."

Unto which oath, so taken, the said person shall subscribe his or her name or mark.

* * *

XXII. And further be it enacted by the authority aforesaid, that, if any person or persons, at any time after the said tenth day of June, shall, either upon the seas or beyond the seas, or in any other place within the dominions of the king's majesty, his heirs and successors, put in practice to absolve, persuade, or withdraw any of the subjects of the king's majesty, or of his heirs and successors of this realm of England, from their natural obedience to his majesty, his heirs or successors, or to reconcile them to the pope or see of Rome, or to move them or any of them to promise obedience to any pretended authority of the see of Rome, or to any other prince, state, or potentate, that then every such person, their procurers, counsellors, aiders, and maintainers, knowing the same, shall be to all intents adjudged traitors, and, being thereof lawfully convicted, shall have judgment, suffer and forfeit, as in cases of high treason.

XXIII. And if any such person aforesaid, at any time after the said tenth day of June, shall be, either upon the seas, or beyond the seas, or in any other place within the dominions of the king's majesty, his heirs or successors, willingly absolved or withdrawn, as aforesaid, or willingly reconciled, or shall promise obedience to any such pretended authority, prince, state, or potentate, as aforesaid, that every such person and persons, their procurers and counsellors, aiders and maintainers, knowing the same, shall be to all intents adjudged traitors, and, being thereof lawfully convicted, shall have judgment, suffer and forfeit, as in cases of high treason.

XXIV. Provided nevertheless, that the last mentioned clause of this branch, or any thing therein contained, shall not extend, or be taken to extend, to any person or persons whatsoever, which shall hereafter be reconciled to the pope or see of Rome, as aforesaid (for and touching the point of so being reconciled only), that shall return into this realm, and thereupon, within six days next after such return, before the bishop of the diocese, or the justices of peace, jointly or severally, of the county where he shall arrive, submit himself to his majesty and his laws, and take the oath set forth by act in the first year of the reign of the late queen Elizabeth (commonly called the Oath of Supremacy), as also the oath before set down in this present act; which said oaths the said bishop and justices respectively shall have power and authority, by this present act, to minister to such persons. * * *

*It then continues the weekly fine of twelve pence, imposed by the act of Elizabeth, for absence from church on Sundays; and having repealed two clauses in the statute of the thirty-fifth of the late queen, which forbad all persons to employ or harbour a recusant "after notice," thus continues;—*

XXXII. And, in lieu thereof, be it enacted, that every person and persons, which, after one month next after the end of this present session of parliament, shall willingly maintain, retain, relieve, keep, or harbour, in his or their house, any servant, sojourner, or stranger, who shall not go to, or repair to, some church, or chapel, or usual place of common prayer, to hear divine service, but shall forbear the same by the space of one month together, not having a reasonable excuse, contrary to the laws and statutes of this realm, shall forfeit ten pounds for every month that he, she, or they, shall so relieve, maintain, retain, keep, and harbour, any such servant, sojourner, and stranger, in his or their house, so forbearing as aforesaid.

XXXIII. And that every person, which shall, within the time aforesaid, retain or keep in his, her, or their service, fee, or livery, any person or persons, which shall not go to, or repair to, some church, chapel, or usual place of common prayer, to hear divine service, but shall forbear the same, by the space of one month together, shall, for every month he, she, or they shall so retain, keep, or continue in his, her, or their service, fee, or livery, any such person or persons so forbearing as aforesaid, knowing the same, forfeit ten pounds; the same penalties to be recovered and employed in manner and form hereafter following.

XXXIV. Provided nevertheless that this act shall not in any wise extend to punish or impeach any person or persons for maintaining, retaining, relieving, keeping, or harbouring, his, her, or their father or mother, wanting, without fraud or covin, other habitation or sufficient maintenance, or the ward of any such person, or any person that shall be committed by authority to the custody of any by whom they shall be so relieved, maintained, or kept, any thing in this act to the contrary notwithstanding.

XXXV. And be it further enacted, by authority of this present parliament, that, upon any lawful writ, warrant, or process, awarded to any sheriff or other officer for the taking or apprehending of any popish recusant, standing excommunicated for such recusancy, it shall be lawful for such sheriff, or other officer authorised in that behalf, if need be, to break open any house wherein such person excommunicate shall be, or to raise the power of the county for the apprehending of such person, and the better execution of such warrant, writ, or process.

* * * *

XL. Provided always, and be it enacted, that no person shall be charged or chargeable with any penalty or forfeiture, by force of this act, which shall happen for his wife's offence, in not receiving the said sacrament during her marriage; nor that any woman shall be charged or chargeable with any penalty or forfeiture by force of this act, for

any such offence of not receiving, which shall happen during her marriage.

XLI. Provided also, and be it enacted by authority of this present parliament, that, in all causes, where any bishop or justices of the peace may, by force of this act, require and take of any subject the oath above mentioned, that the lords of the privy council, for the time being, or any six of them (whereof the lord chancellor, the lord treasurer, or the principal secretary for the time, to be one) shall have power and authority, by force of this act, at any time or times, to require and take the said oaths, before mentioned, of any noble man or noble woman, then being above the age of eighteen years; and if any such noble man or noble woman, other than women married, shall refuse to take such oath or oaths, that, in every such case, such noble man or noble woman shall incur the pain and danger of a premunire.

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## No. XXI.—(*Referred to at page* 68).

### *** *An Act to prevent and avoid dangers which may grow by Popish Recusants.*

[Stat. 3 Jac. i. c. 5.]

Whereas divers jesuits, seminaries, and popish priests, daily do draw many of his majesty's subjects from the true service of Almighty God, and the religion established within this realm, to the Romish religion, and from their loyal obedience to his majesty, and have of late secretly persuaded divers recusants and papists, and encouraged and emboldened them to commit most damnable treasons, tending to the overthrow of God's true religion, the destruction of his majesty and his royal issue, and the overthrow of the whole state and commonwealth, if God, of his goodness and mercy, had not, within few hours of the intended time of the execution thereof, revealed and disclosed the same; Wherefore, to discover and prevent such secret damnable conspiracies and treasons, as hereafter may be put in ure by such evil disposed persons, if remedy be not therefore provided, be it enacted by the king's most excellent majesty, the lords spiritual and temporal, and the commons in this present parliament assembled, and by the authority of the same, that such person as shall first discover to any justice of the peace any recusant or other person, which shall entertain or relieve any jesuit, seminary, or popish priest, or shall discover any mass to have been said, and the persons that were present at such mass, and the priest that said the same, or any of them, within three days next after the offence committed, and that, by reason of such discovery, any of the said offenders be taken and convicted, or attainted, that then the person which hath made such discovery shall not only be freed from the danger and

penalty of any law for such offence, if he be an offender therein, but also shall have the third part of the forfeiture of all such sums of money, goods, chattels, and debts, which shall be forfeited by such offence, so as the same total forfeiture exceed not the sum of one hundred and fifty pounds; and if it exceed the sum of one hundred and fifty pounds, the said person, so discovering the said offence, shall have the sum of fifty pounds only for every such discovery.

* * * *

II. And whereas the repair of such evil affected persons to the court or the city of London may be very dangerous to his majesty's person, and may give them more liberty to meet, consult, and plot their treasons and practices against the state, than if they should be restrained and confined unto their private houses in the country,— for remedy hereof, be it enacted, by the authority aforesaid, that no popish recusant, convicted or to be convicted, shall come into the court or house, where the king's majesty, or his heir-apparent to the crown of England shall be, unless he be commanded so to do by the king's majesty, his heirs and successors, or by warrant in writing from the lords and others of the most honourable privy council, or any of them, upon pain to forfeit, for every time so offending, one hundred pounds, the one moiety to the king's majesty, his heirs and successors, the other moiety to him that will discover and sue for the same, &c.

III. And that all popish recusants, endicted, or convicted, and all other persons, which have not repaired to some usual church or chapel, and there heard divine service, but have forborne the same by the space of three months last past, contrary to the laws and statutes of this realm, dwelling, abiding, or remaining within the city of London, or the liberties thereof, or within ten miles of the said city, shall, within three months next after the end of this session of parliament, depart from the said city of London and ten miles' compass of the same, and also shall deliver up their names to the lord mayor of London, in case such recusants do dwell or remain within the city of London, or the liberties thereof; and in case the said recusant shall dwell or remain in any other county, within ten miles of the same city, then the said recusant shall deliver up his or her name to the next justice of peace, within such county where the said recusant shall so dwell or remain, within forty days after the end of this session of parliament; upon pain that every person offending herein shall forfeit to our sovereign lord, the king's majesty, his heirs and successors, the sum of one hundred pounds; the one moiety whereof shall be to the king's majesty, his heirs and successors, and the other moiety to him or them that will sue for the same by action, &c.

* * * *

V. Provided always that such person or persons as now use any trade, mystery, or manual occupation, within the said city of London, or within ten miles of the same, and such as have, or shall have, their only dwelling within the same city, or ten miles' compass of the same, not having any other dwelling or place of abode elsewhere, shall or may remain or continue in such place within the said city, or ten miles of the same, as they have dwelled, inhabited, or remained in, by the space of three months next before the present session of parliament; any thing herein contained to the contrary notwithstanding.

VI. And whereas, by a statute made at Westminster, in the five-and-thirtieth year of queen Elizabeth, entituled, "*An Act for the Restraining of Popish Recusants to some certain place of abode,*" it was, amongst other things, ordained and enacted that every popish recusant then or after convicted for not repairing to church, chapel, or usual place of common prayer, having any certain place of dwelling and abode within this realm, should, within the time limited by the said statute, repair to their place of usual dwelling and abode; or not having any certain place of dwelling or abode within this realm, should likewise, within the time limited by the said statute, repair to the place where such person was born, or where the father or mother of such person should be dwelling, and not at any time remove or pass above five miles from thence, under the pains in the said statute limited and provided; which statute, by reason of sundry licenses given unto such recusants, under colour of a proviso in the said statute contained, hath not wrought that good effect in the commonwealth as was hoped,—be it therefore enacted and ordained by this present parliament, and by the authority of the same, that the said statute made in the said five-and-thirtieth year of the said queen Elizabeth, for and concerning the confining of the said recusants, under the pains and penalties therein contained, shall, by this act and by the authority of the same, be confirmed and be hereafter put in due execution, according to the tenour, true intent, and meaning of the said statute in that behalf made; and that the proviso in the said statute contained, giving power to grant license or licenses unto the said recusants to go and travel from or out of the compass of the said five miles, shall be, from and after the end of this present session of parliament, utterly repealed and void; any thing in the said statute to the contrary notwithstanding.

VII. Provided, nevertheless, and be it further enacted by this present parliament, and by the authority of the same, that it shall and may be lawful for the king's most excellent majesty, his heirs and successors, or three or more of his majesty's most honourable privy council, or for three or more of the privy council of his heirs and successors, in writing, under the hands of the said privy counsellors, to give license

to every such recusant to go and travel out of the compass of the said five miles, for such time as in the said license is contained, for their travelling, attending, and returning, and without any other cause to be expressed within the said license: And if any of the persons, which are so confined by virtue of the said statute, as is aforesaid, shall have necessary occasion or business to go and travel out of the compass of the said five miles, that then, and in every such case, upon license in writing in that behalf to be gotten, under the hands and seals of four of the justices of peace of the same county, limit, division, or place next adjoining to the place of abode of such recusant, with the privity and assent in writing of the bishop of the diocese, or of the lieutenant, or of any deputy-lieutenant of the same county, residing within the said county or liberty, under their hands and seals (in every of which license or licenses in writing so to be had and made, shall be specified and contained the particular cause of the said license, and the time how long the said party licensed shall be absent, in travelling, attending, and returning), it shall and may thereupon be lawful for every such person so licensed to go and travel about such their necessary business, and for such time only for their travelling, attending, and returning, as shall be comprised in the said license; the said party so licensed first taking his corporal oath before the said four justices of the peace, or any of them (who shall have authority, by virtue of this act, to minister the same), that he hath truly informed them of the cause of his journey, and that he shall not make any causeless stays; and that all and every license, hereafter to be made in this behalf, contrary to the tenour, effect, and true meaning of this statute, shall be utterly both frustrate and of none effect; any thing in the said former act, or in this act, to the contrary notwithstanding: And every person so confined, which shall depart or go above five miles from the place whereunto he is or shall be confined, not having such license, and not having taken such oath as aforesaid, shall incur the pain and penalty, and forfeit, as a recusant, convicted and passing or going above five miles from the said place, whereunto he is or shall be confined by the said statute of *tricesimo quinto Elizabethæ*, should do.

VIII. And be it further enacted by the authority aforesaid, that no recusant convict shall, at any time after the end of this session of parliament, practise the common law of this realm as a counsellor, clerk, attorney, or solicitor, in the same, nor shall practise the civil law as advocate or proctor, nor practise physic, nor use or exercise the trade or art of an apothecary, nor shall be judge, minister, clerk, or steward, of or in any court, or keep any court, nor shall be register or town-clerk, or other minister or officer in any court, nor shall bear any office

or charge, as captain, lieutenant, corporal, serjeant, ancient-bearer, or other office in camp, troop, band, or company of soldiers; nor shall be captain, master, governor, or bear any office of charge of or in any ship, castle, or fortress of the king's majesty's, his heirs and successors, but be utterly disabled for the same: And every person offending herein shall also forfeit, for every such offence, one hundred pounds; the one moiety whereof shall be to the king's majesty, his heirs and successors, and the other moiety to him that will sue for the same by action of debt, bill, plaint, or information, in any of the king's majesty's courts of record, wherein no essoin, protection, or wager of law, shall be admitted or allowed.

IX. And be it also enacted by the authority aforesaid, that no popish recusant convict, nor any having a wife being a popish recusant convict, shall, at any time after the end of this session of parliament (or any popish recusant hereafter to be convict, or having a wife which hereafter shall be a popish recusant convict, at any time after his or her conviction shall) exercise any public office or charge in the commonwealth, but shall be utterly disabled to exercise the same by himself or by his deputy; except such husband himself, and his children which shall be above the age of nine years abiding with him, and his servants in household, shall, once every month at the least, not having any reasonable excuse to the contrary, repair to some church or chapel usual for divine service, and there hear divine service; and the said husband, and such his children and servants as are of meet age, receive the sacrament of the Lord's Supper, at such times as are limited by the laws of this realm, and do bring up his said children in true religion.

X. And be it also enacted by the authority aforesaid, that every married woman, being, or that shall be, a popish recusant convict (her husband not standing convicted of popish recusancy), which shall not conform herself, and remain conformed, but shall forbear to repair to some church or usual place of common prayer, and there to hear divine service and sermon, if any then be, and within the said year receive the sacrament of the Lord's Supper, according to the laws of this realm, by the space of one whole year next before the death of her said husband, shall forfeit and lose to the king's majesty, his heirs and successors, the issues and profits of two parts of her jointure, and two parts of her dower in three parts to be divided, during her life, of or out of any of the lands, tenements or hereditaments, which are or were her said husband's, and also disabled to be executrix or administratrix of her said husband, and to have or demand any part or portion of her said late husband's goods or chattels, by any law, custom, or usage whatsoever.

XI. And be it further enacted by the authority aforesaid, that every

popish recusant, which is or shall be convicted of popish recusancy, shall stand and be reputed to all intents and purposes disabled, as a person lawfully and duly excommunicated, and as if he or she had been so denounced and excommunicated according to the laws of this realm, until he or she so disabled shall conform him and her self, and come to church, and hear divine service, and receive the sacrament of the Lord's Supper, according to the laws of this realm, and also take the oath appointed and prescribed in one other act made this present session of parliament, entituled " An Act for the better discovering and repressing of Popish Recusants :" and that every person and persons sued or to be sued by such persons so to be disabled, shall and may plead the same in disabling of such plaintiff, as if he or she were excommunicated by sentence in the ecclesiastical court.

XII. Provided nevertheless, that it shall and may be lawful for any such person so disabled, for and notwithstanding anything in this law contained, to sue or prosecute any action or suit, for or concerning only such of his or her lands, tenements, leases, rents, annuities, and hereditaments, or for the issues and profits thereof, which are not to be seized or taken into the king's hands, his heirs' or successors', by force of any law, for or concerning his or her recusancy, or any part thereof.

XIII. And for that popish recusants are not usually married, nor their children christened, nor themselves buried, according to the law of the church of England, but the same are done superstitiously by popish persons in secret, whereby the days of their marriages, births, and burials, cannot be certainly known, be it further enacted by authority of this present parliament, that every man being, or which shall be, a popish recusant convicted, and who shall be hereafter married otherwise than in some open church or chapel, and otherwise than according to the orders of the church of England, by a minister lawfully authorized, shall be utterly disabled and excluded to have an estate of freehold into any the lands, tenements, and hereditaments of his wife, as tenant by the courtesy of England : And that every woman being, or which shall be, a popish recusant convicted, and who shall be hereafter married in other form than as aforesaid, shall be utterly excluded and disabled, not only to claim any dower of the inheritance of her husband, whereof she may be endowable, or any jointure of the lands and hereditaments of her husband or any of his ancestors, but also of her widow's estate, and frank bank in any customary lands whereof her husband died seized, and likewise be disabled and excluded to have or enjoy any part or portion of the goods of her said husband, by virtue of any custom of any county, city, or place, where the same shall lie or be : And if any such man shall be married with any woman contrary to the intent and

true meaning of this act, which woman hath or shall have no lands, tenements, or hereditaments, whereof he may be entitled to be tenant by the courtesy of England, then such man, so marrying as aforesaid, shall forfeit and lose one hundred pounds, the one half thereof to be to the king's majesty, his heirs and successors, and the other moiety to such person or persons, as shall sue for the same by action of debt, bill, plaint, or information, in any of the king's majesty's courts of record, wherein no essoin, protection, or wager of law shall be admitted or allowed.

XIV. And that every popish recusant, which shall hereafter have any child born, shall, within one month next after the birth thereof, cause the same child to be baptized by a lawful minister, according to the laws of this realm, in the open church of the same parish where the child shall be born, or in some church near adjoining, or chapel where baptism is usually administered: or if by infirmity of the child, it cannot be brought to such place, then the same shall, within the time aforesaid, be baptized by the lawful minister of any of the said parishes or places aforesaid, upon pain that the father of such child, if he be living by the space of one month next after the birth of such child, or, if he be dead within the said month, then the mother of such child, shall for every such offence forfeit one hundred pounds of lawful money of England; one third part whereof to be to the king's majesty, his heirs and successors, one other third part to the informer, or him that will sue for the same, and the other third part to the poor of the said parish, to be recovered by action of debt, bill, plaint, or information, in any of the king's majesty's courts of record, wherein no essoin, protection, or wager of law shall be admitted or allowed.

XV. And if any popish recusant, man or woman, not being excommunicate, shall be buried in any place, other than in the church or churchyard, or not according to the ecclesiastical laws of this realm, that the executors or administrators of every such person so buried, knowing the same, or the party that causeth him to be so buried, shall forfeit the sum of twenty pounds, the one third part whereof shall be to our sovereign lord the king, one other third part to the informer, or him or them that will sue for the same, and the other third part to the poor of the parish where such person died, to be recovered by action of debt, bill, plaint, or information, in any of the king's majesty's courts of record, wherein no essoin, protection, or wager of law shall be admitted or allowed.

XVI. And be it further enacted by this present parliament, that if the children of any subject within this realm (the said children not being soldiers, mariners, merchants, or their apprentices, or factors), to prevent their good education in England, or for any other cause, shall hereafter be sent or go beyond seas, without license of the king's ma-

jesty, or six of his honourable privy council (whereof the principal secretary to be one), under their hands and seals, that then all and every such child and children so sent, or which shall so go beyond the seas, shall take no benefit by any gift, conveyance, descent, devise, or otherwise, of or to any lands, tenements, hereditaments, leases, goods, or chattels, until he or they being of the age of eighteen years, or above, take the oath mentioned in an act of parliament made this present session, entituled "An Act for the better discovering and repressing of Popish Recusants," before some justice of peace of the county, liberty, or limit where such parent of such children, as shall be so sent, did or shall inhabit or dwell: And that, in the meantime, the next of his or her kin, which shall be no popish recusant, shall have and enjoy the said lands, tenements, hereditaments, leases, goods, and chattels so given, conveyed, descended, or devised, until such time as the person, so sent or gone beyond the seas, shall conform him or her self, and take the aforesaid oath, and receive the sacrament of the Lord's Supper: And after such oath taken, and conforming of himself, and receiving the sacrament of the Supper of the Lord, he or they which have so received the profits of the said land, tenements, hereditaments, goods, and chattels, or any of them, shall make account of the profits so received, and in reasonable time make payment thereof, and restore the value of the said goods to such person as shall so conform him or her self as aforesaid: And that all such persons as shall send the said child or children over seas, without license as aforesaid (unless the said child or children be merchants, or their apprentices or factors, mariners, or soldiers), shall forfeit one hundred pounds, to be divided, had, and recovered, in three equal parts, whereof the one third part shall be to the king, his heirs, and successors, the other third part to such as shall sue for the same, and the other third part to the poor of such parish where such offender doth inhabit or remain, by action of debt, bill, plaint, or information in any the king's majesty's courts of record, wherein no essoin, protection, or wager of law shall be admitted or allowed.

XVII. And for that many subjects of this realm, being neither merchants nor their factors, nor apprentices, soldiers, nor mariners, are of late gone beyond the seas without license, and are not as yet returned, be it further enacted, by the authority of this present parliament, that, if any of the said persons so gone beyond the seas without license, which are not yet returned, shall not, within six months next after their return into this realm, then being of the age of eighteen years or more, take the oath above specified, before some justice of the peace of the county, liberty, or limit, where such person shall inhabit or remain, that then every such offender shall take no benefit by any gift, conveyance,

descent, devise, or otherwise, of or to any lands, tenements, &c., until he or they, being of the said age of eighteen years or above, take the said oath: And that likewise, in the meantime, the next of kin to the person so offending, which shall be no popish recusant, shall have and enjoy the said lands, &c., so given, conveyed, descended, or devised, until such time as the person so offending shall conform himself, and take the aforesaid oath, and receive the said sacrament of the Lord's Supper: And after such conforming, taking of the said oath, and receiving of the said sacrament, he or they that shall have so received the profits of the said lands, &c., shall make account of the profits so received, and in reasonable time make payment thereof, and of the value of such goods and chattels, to such person as shall so conform him or her self, as aforesaid.

XVIII. And be it further enacted by the authority of this present parliament, that every person or persons, that is or shall be a popish recusant convict, during the time that he shall be or remain a recusant, shall, from and after the end of this present session of parliament, be utterly disabled to present to any benefice, with cure or without cure, prebend, or any other ecclesiastical living, or to collate or nominate to any free-school, hospital, or donative whatsoever, and, from the beginning of this present session of parliament, shall likewise be disabled to grant any avoidance to any benefice, prebend, or other ecclesiastical living.

[*XIX., XX., and XXI. divide the collation to all benefices belonging to recusants between the chancellors and scholars of the two universities; but provide that no person, already possessing a benefice with cure of souls, shall be presented.*]

XXII. Moreover, because recusants convict are not thought meet to be executors or administrators to any person or persons whatsoever, nor to have the education of their own children, much less of the children of any other of the king's subjects, nor to have the marriage of them, be it therefore enacted by the authority aforesaid, that such recusants convicted, or which shall be convicted at the time of the death of any testator, or at the time of the granting of any administration, shall be disabled to be executor or administrator by force of any testament hereafter to be made, or letters of administration hereafter to be granted, nor shall have the custody of any child, as guardian in chivalry, guardian in soccage, or guardian in nurture of any lands, tenements, or hereditaments being freehold or copyhold, but shall be adjudged disabled to have any such wardship or custody of any such child, or of their lands, tenements, or hereditaments, being freehold or copyhold as aforesaid.

XXIII. And that, for the better education and preservation of the said children, and of their estates, the next of the kin to such child or

children, to whom the said lands, tenements, or hereditaments of such child or children cannot lawfully descend, who shall usually resort to some church or chapel, and there hear divine service, and receive the holy sacrament of the Lord's Supper thrice in the year next before, according to the laws of this realm, shall have the custody and education of the same child, and of his said lands and tenements, being holden in knight's service, until the full age of the said ward of one-and-twenty years, and of his said lands, tenements, and hereditaments, being holden in soccage, as a guardian in soccage; and of the said lands, tenements, and hereditaments holden by copy of court-roll of any manor, so long as the custom of the said manor shall permit and allow the same, and in every of the said cases shall yield an account of the profits thereof to the said ward, as the case shall require.

XXIV. And that if, at any time hereafter, any of the wards of the king's majesty, or of any other, shall be granted or sold to any popish recusant convict, such grant or sale shall be utterly void and of none effect.

XXV. And be it further enacted by the authority of this present parliament, that no person or persons shall bring from beyond the seas, nor shall print, sell, or buy any popish primers, lady's psalters, manuals, rosaries, popish catechisms, missals, breviaries, portals, legends, and lives of saints, containing superstitious matter, printed or written in any language whatsoever, nor any other superstitious books printed or written in the English tongue, upon pain of forfeiture of forty shillings for every such book; one third part thereof to be to the king's majesty, his heirs and successors; one other third part to him that will sue for the same; and the other third part to the poor of the parish where such book or books shall be found, to be recovered by action of debt, bill, plaint, or information in any of the king's majesty's courts of record, wherein no essoin, protection, or wager of law shall be admitted or allowed, and the said books to be burned.

XXVI. And that it shall be lawful for any two justices of peace within the limits of their jurisdiction or authority, and to all mayors, bailiffs, and chief officers of cities and towns-corporate in their liberties, from time to time, to search the houses and lodgings of every popish recusant convict, or of every person whose wife is or shall be a popish recusant convict, for popish books and relics of popery: And that if any altar, pix, beads, pictures, or such like popish relics, or any popish book or books shall be found in their or any of their custody, as in the opinion of the said justices, mayor, bailiff, or chief officer as aforesaid, shall be thought unmeet for such recusant as aforesaid, to have or use the same, shall be presently defaced and burned, if it be meet to be

burned: And if it be a crucifix, or other relic of any price, the same to be defaced at the general quarter sessions of the peace, in the county where the same shall be found, and the same so defaced to be restored to the owner again.

XXVII. And be it also enacted by the authority aforesaid, that all such armour, gunpowder, and munition, of whatsoever kinds, as any popish recusant convict, within this realm of England, hath or shall have in his house or houses, or elsewhere, or in the hands or possession of any other, at his or their disposition, shall be taken from such popish recusants or others which have or shall have the same to the use of such popish recusant, by warrant of four justices of peace at their general or quarter sessions to be holden in the same county where such popish recusant shall be resident (other than such necessary weapons, as shall be thought fit by the said four justices of peace to remain and be allowed for the defence of the person or persons of such recusant, or for the defence of his her or their house or houses); and that the said armour and munition so taken shall be kept and maintained, at the costs of such recusants, in such places as the said four justices of peace, at their said sessions of the peace, shall set down and appoint.

XXVIII. And be it further enacted by the authority aforesaid, that if any such recusant having or which shall have any such armour, gunpowder, and munition, or any of them, or if any other person or persons which shall have any such armour, gunpowder, and munition, or any of them, to the use of any such recusant, shall refuse to declare or manifest unto the said justices of peace or any of them, what armour he, she, or they have, or shall have, or shall let, hinder, or disturb the delivery thereof to any of the said justices, or to any other person or persons authorised by their warrant to take and seize the same, then every such person so offending, contrary to this statute in this behalf, shall forfeit and lose to the king's majesty, his heirs and successors, his and their said armour, gunpowder, and munition, and shall also be imprisoned by warrant of or from any justices of peace of such county, by the space of three months, without bail or mainprise.

XXIX. And yet nevertheless, be it enacted by the authority aforesaid, that notwithstanding the taking away of such armour, gunpowder, and munition, the said popish recusant shall and may be charged with the maintaining of the same, and with the buying, providing, and maintaining of horse, and other armour and munition, in such sort as other his majesty's subjects from time to time shall be appointed and commanded, according to their several abilities and qualities; and that the said armour and munition, at the charge of such popish recusant, for them, and as their own provision of armour and munition, shall be

shewed at every muster, shew, or use of armour, to be had or made within the said county.

XXX. Provided always, that neither this act, nor any thing therein contained, shall extend to take away or abridge the authority or jurisdiction of the ecclesiastical censures, for any cause or matter, but that the commissioners of his majesty, his heirs and successors, in causes ecclesiastical, for the time being, archbishops, bishops, and other ecclesiastical judges may do and proceed, as before the making of this act they lawfully did or might have done; any thing in this act to the contrary in any wise notwithstanding.

## No. XXII.—(*Referred to at page* 68.)

### *** *Proclamation, ordering all Jesuits and other priests to depart the realm. July* 10, 1606.

[Strype's Annals, iv. 399.]

We do not doubt but that all our subjects, embracing the true religion professed in this church of England, and by law established within this realm, are truly persuaded of our constant resolution for the maintenance and defence of the same, not only because we found it here, for so many years settled and blessed of God, in the long peace and prosperity of our people, wherewith it hath been accompanied, since the first setting the same free from the Romish servitude, but also chiefly because our own knowledge and understanding, illuminated by the Spirit of God, doth assure us that the same is agreeable to the divine word, and to the doctrine of the primitive church: of which our purpose and determination, besides all other our former proceedings since our entry into this kingdom, we have given a new and certain demonstration, by our consent to such two acts as have been past in this session of parliament, both tending to prevent the danger, and diminish the number, of those who, adhering to the profession of the church of Rome, are blindly led, together with the superstition of their religion, both into some points of doctrine which cannot consist with the loyalty of subjects toward their prince, and oftentimes into direct actions of conspiracies and conjurations against the state wherein they live; as hath most notoriously appeared by the late most horrible and almost incredible conjuration, to blow up us, our children, and all the three estates in parliament assembled. All which notwithstanding, and although by these last treasons above-mentioned, contrived and pursued, as they have been, with the privity and warrant of so many of the principal priests of that profession, and grounded upon points of doctrine, in that church held and maintained, there is sufficient cause, if there had not been any other enterprise upon the same ground, to justify the proceedings of us and our said parliament, in the making

and execution of these last, and all other former, statutes, tending to the same end, nevertheless, seeing the sovereign care appertaineth to us, who have the sovereign power of justice in our hand, and the supreme dispensation of clemency and moderation of the severity of our laws is likewise proper to us to use, when we shall find it reasonable (the same deserving to be no less allowed in us, being in our dominions God's lieutenant, than it is praised in him, among whose titles it is, that his mercy is above all his works), although both nature's just offence might be (if we suffered ourselves to be transported with such passion as so vile and barbarous provocations do excite in human sense), and our providence would be also, commended, if we did with all violence endeavour to extirpate out of our realms, not only such as were guilty of the attempt, but all others that gave any cause to be suspected of bearing favour to it, or of whom there is any just occasion to conceive that they may be corrupt with the like poison, yet hath not any provocation, or other respect, extinguished in us so utterly the exercise of that clemency, whereunto nature hath so far inclined us, as we can be withholden from renewing some course of lenity against some particulars, so far forth as may be, without the peril of our religious and loyal people, that concur with us in the profession of the Gospel.

And, therefore, to the end we might not have any further subject ministered unto us, whereby we must be provoked to execute justice upon those who, being called religious persons, and professed devotees of their church (as priests, jesuits, seminaries, and the like), have not only declared themselves to be the stirrers up of our people to disobedience, but, when we were pleased formerly, out of our mere grace, to signify our royal pleasure for their departure out of the realm unpunished, have, few or none of them, taken hold of our gracious favour, and wilfully, and as it were in scorn of the penalty which our just laws could impose, have still continued in their former practices and contempt in their returns, as we do purpose to send away, out of our realm, even those of that condition whose lives are in our hands to take every hour, if we were so disposed (excepting only those that are guilty of that horrible treason), so we have once again resolved, and, for the last warning, do denounce it by these presents (according to the intent of our laws, and our former proclamation), that they shall, all of them, that is to say, jesuits, seminaries, friars, or any other priests whatsoever, regular or secular, being made by the authority of the church of Rome, depart out of this realm of England and Wales, before the first day of August next ensuing, upon pain to incur the uttermost danger of our laws.

And for their better means to depart, according to this our pleasure,

we do hereby signify to them, that, if, at any time before the said first of August, they, or any of them, excepting Gerard or Greenwell, shall resort to any port-town of our realm, and there declare himself to the magistrate of the said town, or other officers of our port, that he is a priest of any sort whatsoever, and that he is there to take shipping for his passage, they shall suffer him or them quietly to depart, and shall see them shipped and sent away, and give them their licenses for their departure.

And because there may be some priests in hold, in divers ports in our realm, not yet known to us, we do will and command all sheriffs, bailiffs, and keepers of prisons, within twenty days after the publishing of this proclamation, to advertise our privy council, or some of them, of the names of all such priests, jesuits, seminaries, or of any other sort that are in their custody, and by whom, and for what cause, they were committed; to the end that thereupon we may give order for their transportation.[1]

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[1] [Accordingly, we find that, within a fortnight after the appearance of this proclamation, no less than forty-seven priests and two other persons were collected from various prisons, and sent into banishment. I subjoin their names, as they stand in the Diary of Douay College, where they arrived, before the end of the month. The prisons, from which some of them were removed, are given on the authority of a MS. preserved at Stonyhurst, Ang. A. iii. 74.

| | | | |
|---|---|---|---|
| Thomas Bramston, | from the Clink. | John Starky, | from Newgate. |
| Philip Woodward. | | John Copley. | |
| Abraham Sutton, | ..... Clink. | Fulke Neville. | |
| William Singleton, | ..... Bridewell. | John Sicklemore. | |
| Silvester Norris, | ..... Bridewell. | George Gervase. | |
| Richard Grissold. | | Thomas Garnet, | ... Tower. |
| Thomas Burscough, | ..... Newgate. | James Blundell, | ... King's Bench. |
| Nicholas Jees. | | Thomas Laithwaite. | |
| Ralph Buckland. | | Thomas Stanney, S. J. | Gatehouse. |
| George Stransham. | | Robert Bradshaw. | |
| Francis Stafferton. | | Thomas Green, | ... Newgate. |
| Francis Forster, | ..... Newgate. | Thomas Butler, | ... King's Bench. |
| Simon Pottinger. | | Edward Collier, | ... Newgate. |
| Thomas Flint. | | —— Pierson, | ... Marshalsea. |
| Humphrey Merridale, | ..... Newgate. | Anthony Rouse, | ... Clink. |
| William Clarjenet. | | John Roberts, | ... Gatehouse. |
| Thomas Hodson. | | Henry Chatterton. | |
| Thomas Thoresby. | | Robert Walsh, Hibernus. | |
| William Arton. | | John Hall. | |
| Christopher Lassels. | | Hugh Whitall. | |
| Richard Newport. | | Andrew White. | |
| Charles Newport. | | —— Nightingale. | |
| John Lloyd, or Floyd, S.J. | King's Bench | | |
| Robert Bastard, | ... King's Bench. | William Alabaster, | ... Tower. |
| Edward Dawson. | | Hugh Bowen, | ... Tower. |

Of the parties whose prisons are not here mentioned, several occur in the Stonyhurst MS. under other names. Some are said, but incorrectly, not to have been banished.—See Douay Diary, i. 89, 90.—*T.*]

And now, lest happily this unexpected course of our so oftentimes reiterated clemency, after such an example, should either serve to encourage the priests themselves to affront our justice, or discourage those good and dear subjects of ours, whose danger and destruction we know shall never be severed from our own, whensoever such projects shall be in motion, we do hereto protest that this is done for no other purpose but to avoid the effusion of blood, and, by banishing them presently out of our dominions, to remove all cause of such severity as we shall otherwise be constrained to use toward the other sort of our people, as long as those seducers shall have opportunity to betray their consciences, and corrupt their loyalty; towards whom our affections do vary with the object;—as we confess that we desire still to make it appear, in the whole course of our government, *we are far from accounting all those subjects disloyal that are that way affected;* and that we do distinguish of such as be carried only of blind zeal, and such as sin out of presumption, and, under pretext of zeal, make it their only object to persuade disobedience, and to practise the ruin of this church and commonwealth:—and, therefore, as aftertimes must give us trial of all men's behaviours, so must all men expect that their own deserts must be the only measure of their own fortunes, at our hands, either one way or other.

Given at our manor of Greenwich the tenth day of July, in the fourth year of our reign, &c., 1606.

## No. XXIII.—(*Referred to at page* 70.)

*** *Memorial to cardinal Bellarmine, written by Persons, but presented in the name of Harrison, the archpriest's agent. May* 18, 1606.

[Rough Draft in the handwriting of Persons. Stonyhurst MSS. Ang. A. iii. 60.]

Illustrissimo et Reverendissimo Signore,

Supplica la S. V. illustrissima il dottore Harrisono, procuratore del arciprete d'Inghilterra, che si degni informare nostro signore, intorno a un giuramento proposto dal parlamento alli cattólici d'Inghilterra (del quale ha detto sua beatitudine, che vuole pigliare il parere delli signori della congregatione del santo officio), che questo giuramento pernicioso è státo cavato dalla dottrina delli preti appellanti, nelli libri loro stampati, e fù presentato al detto santo officio per duoi procuratori del detto arciprete, nel anno 1602, quando stettero qui in Roma, et hebbero promessa che la detta dottrina sarebbe stato condennata: ma, perche non seguì la detta condennatione e dichiaratione, la detta dottrina, che sta sparsa in miliari di quelli libri tenuti per cattólici, n'ha

fatto impressione in molti, parendoli che, se fusse tanto falsa et heretica come il detto arciprete, con li suoi seguaci, et li padri Giesuiti affermano, la contraria sarebbe stato expressamente condennata. Pare dunque alli migliori cattólici della nostra natione, ch'il miglior modo e più efficace per ributtare questo pernicioso giuramento, e per instruire li cattólici di quello che in questo caso hanno di fare, sarebbe, condennare la dottrina contraria, che sta nel catalogo adgiunto. Et poiche sono tornati a Roma duoi delli stessi appellanti che furono qui nello detto anno 1602, sarebbe multo importante ch'essi non solamente protestassero contra questo giuramento, et (*ma*) che lo testificassero in nome loro et delli campagni per scritto publico, da mandarsi in Inghilterra; acciochè visto del re e delli suoi consiglieri, intendessero che tutti sacerdoti sono del medesimo parere in questa materia, e cosi non potrebbono perseguitare l'uni più che l'altri per questa causa; e li poveri afflictissimi cattólici se terranno obligati a V. R. illustrissima per questo buon' officio, fatto per loro con sua santità, quam Deus, &c. a 18 di Maggio, 1606.

Tutti li libri, al numero d'ondece o duodece, furono presentati nel santo officio, e fra elli si troveranno le citationi, nel margine di questo catalogo annotate.

No. XXIV.—(*Referred to at page* 74).

*** *Mush to* . *July* 11, 1606.

[Extract from MS. in my possession.]

Reverendi Patres,

Londinum veniens hoc Trinitatis termino, post finitum parlamentum, nonnullos ex confratribus hîc quoque inveni, omnes multùm perplexos circa novum hoc juramentum, et divisos in opinione nùm admitti posset necne; aliquos etiam sentientes licere cum protestatione (ut tenet Azorus) ecclesias adire. Multos conventus et colloquia habuimus cum archipresbytero, qui diù vehementer eis restitit, qui tenebant juramentum quâcumque conditione posse admitti. Multi multas limitationes et subterfugia invenerunt. Ipse, D. Holtbeius, D. Prestonus, et plurimi omnia rejecerunt, quia rationes infirmæ erant. Nullo modo D. archipresbyterum adducere potui vel ut duos circa hæc et alia multa afflictæ ecclesiæ nostræ importantia negotia ad S. Sanctitatem mitteret, vel ut conferentiam duorum triumve sacerdotum cum ipsomet, et duobus jesuitis et duobis benedictinis, haberemus, quâ aliquid prudenter et uniformi consensu concludi posset. Excusabat se propter personæ suæ periculum: sed ineptus iste prætextus, cum non majus illi quàm nobis omnibus imminebat periculum, qui tamen in tam extraordinariâ necessitate libenter conveniremus cum periculo apprehensionis et

exilii, quod summum erat; nam, usque ad primum Augusti, omnes libertatem discedendi habemus, et qui jam capiuntur, ante illum diem, in exilium sunt ejiciendi. Tandem archipresbyter, qui aliorum omnium limitationes juramenti, et inventa judicata non improbabilia ad illud justificandum respuisset, subitò mutatus erat, et tenuit quòd absolutè, et ut jacet, admitti poterat. Multo labore conventum obtinuimus, et quòd ipse admitteret D. doctorem Bishop, D. Broughtonum, patrem Prestonum et patrem Holtbeium, meipsum, et D. Colletonum si inveniri potuisset. Dominus archipresbyter proposuit rationes suas quæ hæc unica erat,—quia sanctissimus non potest, rebus sic stantibus, regem deponere in edificationem, sed in destructionem, ideo jurare possumus illum nullam habere auctoritatem vel jurisdictionem deponendi regem; quia non habet potestatem ad destructionem, et id dicimur non posse, quod jure non possumus. D. Bishop et D. Broughtonus erant ejusdem opinionis cum illo: pater Prestonus, pater Holtbeius, et ego tenuimus non licitum fore jurare, " illum non habere auctoritatem quia illam non potest convenienter exequi "; et Salmeronus, eorum auctor, in Mattheum, super illud, " *erit ligatum et in cælis,*" super cujus expositionem se fundabant, nobis videbatur illis non favere. Certè archipresbyter nihil audire voluit contra suam opinionem noviter conceptam; sed totum sicut illi placuit sic oportebat esse. Sic illi tres opinionem suam licitè in praxim duci posse, nos tres verò illam tanquam erroneam et ecclesiasticæ libertati et disciplinæ præjudiciosam, et nullo modo in praxim ducendam, condemnantes, super hoc fundamento discessimus. Statim divulgabatur ubique archipresbyterum judicasse quòd juramentum licitè admitti posset. Diximus, nos circa hoc non velle schisma facere, sed omnia ad sanctissimum retulimus; et interim eos, qui voluerunt, sententiam archipresbyteri sequi permisimus. Ipse, sacerdotes multos, benedictinos omnes, et jesuitas, cum multis laicis, a juramento in hoc sensu abhorrere comperiens, voluit post tres dies homines retinere ne illud admitterent, donec aliquod supra hoc ab urbe accepisset. Sed nimis tardè admonitio hæc ad illud revocandum, quod tanquam licitum primò divulgaverat, et jam per totum regnum dispersum erat per eos qui ad terminum venerant; ista enim sub ipsius termini fine evenerunt.

*** *Father Holtby, under the assumed name of North, to Persons. October* 30, 1606.

[Extract from the original, Stonyhurst MSS. Ang. A. iii. 71.]

Good Sir,

As our miseries daily increase, so necessity forceth to seek for remedies, and to continue our complaints, especially unto those who are

able to yield redress, or, at the least, may both comfort and encourage us to sustain with patience. Wherefore, our humble suit must be directed unto signore Paul, in the greatest scandal and downfal that, this many years, hath happened, or could have come unto [our] nation, or have blemished the glory of our springing revived church. So it is, that, partly by the doctrine of approving the oath, and much more of allowing and defending our long-abhorred church-going, we are brought into that estate, that we fear, in short time *ne lucerna nostra prorsus extinguatur*. Neither let our friends think that we speak this, to amplify the matter; for, no doubt, the case is more lamentable than we could have imagined or expected: for now, not only weak persons here and there, upon fear of temporal losses, do relent from their constancy, but whole countries and shires run headlong, without scruple, unto the heretics' churches to service and sermons, as a thing most lawful; being emboldened thereunto by the warrant of their pastors and spiritual guides, who, upon a sudden, it seemeth, voluntarily, and presuming upon their own wits, daily degenerate into false prophets or wolves, quorum Coripheus est ille Thomas Carpentarius, vel Wright, de quo jam aliàs sæpè. And lest that his doctrine might be suspected, for want of authority, he is contented to authorise and confirm the same by his own example:—And it is verified among them, "*si videbas furem, currebas cum eo; et cum adulteris portionem tuam ponebas.*"

* * * *

The case may seem now urgent with regard of us, considering that this course, if it be not stayed, will cause great hatred, and the whole weight and heat of the persecution will principally fall on us and our friends, as contradictors of so convenient an error to some men's affairs; which, notwithstanding, in the end will not avail, but other courses will be taken, and that by God's just permission, to overthrow them.[1]

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[1] [Nothing can be more unjust than the impression conveyed in this and the preceding passage. That the jesuits and their "friends" generally opposed themselves to the pernicious custom of frequenting the protestant churches is certain: but that "the whole weight of the persecution" was, for this reason, to "fall principally on them," in other words, that they were almost the only persons distinguished for their resistance to the conforming principle in question, is not the fact. Of the "pastors and spiritual guides," indeed, here so sweepingly condemned, Holtby ventures to name only one,—the author of a treatise to which Persons replied in the following year: whilst Persons himself, who must have known the real state of things, and who will never be suspected of concealing what was unfavourable to an adversary, not only confines the advocacy of the conforming doctrine to a few individuals, but also speaks of those individuals, or at least of their motives, in such terms of respect, as must for ever put to shame the supercilious remarks of his present correspondent. I will subjoin his words:—"Cui malo (persecutionis) cum alii aliter mederi

And some more effectual order were needful, to stay so many wanton and presumptuous wits, as, upon a conceit of learning and sufficiency where it is not, do attempt and set abroach their errors and scandalous inventions at pleasure. Neither will or dare the archpriest deal with such; his powers being so limited, as he saith, and himself disgraced by former proceedings, that they bear no respect unto his office or person: whereby I do think him so discouraged, that he list not meddle with any belonging to his charge; but rather live in obscurity, and suffer all to run as they list,—albeit in the oath I found him too forward. Perhaps it were needful that Paul should confirm him, *and either explicate the former,* or grant a new charge, *with revocation of former limitations in his office*[1]; for, as it is, I see it is but an idle charge, both in respect of himself and his assistants, inter quos rarus est qui constanti corde censeatur, excepto Mutio (*Mush*) qui in

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vellent, *nonnulli sunt inventi*, qui cedendo maxime, et præcepto legum de ecclesiis protestantium adeundis parendo, id optimè ac commodissimè fieri posse ac debere censent; alii, etsi eò usque progredi palàm videri non velint, ut ecclesiæ precesque hereticæ adeantur, conciones tamen audiendas suadent, quod in idem planè recidit;—*uterque commiserationis cujusdam sensu, ne bona temporalia auferantur permoti.*" (De sacris alienis non adeundis, Ad Lectorem, 4, 5). And again, having spoken of his own motive for replying to Wright, he adds,—" Quo fit etiam, ut, ex eodem charitatis intuitu, *authoris scripti intentionem minimè condemnemus:* existimo enim de illo dici posse quod scriptura sacra de senis Eleazari amicis refert (ii. Machab. 6), nimirùm, quòd '*iniquâ miseratione commoti, propter veterem viri amicitiam, hanc in eo faciebant humanitatem*' " (Ibid. 42, 43).

I will add that, supposing Holtby to have deduced his charge against the clergy, as an inference only, from the fact that " whole countries and shires were running headlong", as he expresses it, to the protestant service, still the conclusion is one, whose legitimacy, under other circumstances, he would be unwilling to admit. For instance, it was the frequent boast of Persons in some of his writings and many of his memorials to the authorities at Rome, that the principal catholics of England were under the spiritual direction of the jesuits. Now, there still exists a table in the State Paper Office, under the present reign, shewing the number of recusants presented and endicted during the preceding year, for refusing to go to church. It gives also the rank or quality of these recusants; and it so happens that, out of a gross number of one thousand nine hundred and forty-four, only two knights (one of whom afterwards conformed), three esquires, and forty-five gentlemen, are found upon the list (Recusant Papers, No. 437). Again, to look at the nobility, and to take an example from their conduct with regard to the oath of allegiance. They are equally said to have been under the spiritual guidance of the jesuits. The jesuits are known by their writings and public proceedings to have been the strenuous opponents of the oath; and yet, as Dr. Lingard has remarked, and as the journals, to which he appeals, distinctly prove, all the catholic peers, with the single exception of Lord Teynham who eluded it, repeatedly and spontaneously took the oath in the house of lords. Would Holtby admit that the jesuits, who were the directors of these persons, or at least of many of them, advised or countenanced these proceedings?—*T.*]

[1] [See this history, iii. 54, 55.—*T.*]

altero hæret extremo, et adhuc erga dominationem vestram animo est averso.[1]

As for the discourse about the oath I sent unto you, it was not divulged, nor intended to be divulged; neither did any see it, except two or three of our own, and two other friends: only it was drawn for an information to yourself, to use at your discretion; though the author was much grieved to see the proceeding, which was the cause of his sharpness in uttering.

We received yours of the nineteenth and twenty-sixth of August, as also, since, of the second, twenty-third, and twenty-seventh of September. The customer[2] doth now insinuate unto his friends that his opinion is contradicted, and excuseth his error: yet doth he not apprehend it so sensitively, that he thinketh himself bound to reveal it, though it hath caused an exceeding scandal, and will do still, until the breve come: until which time he will rest quiet. Wherefore, we hope to hear of it soon:—and the council here hath heard of it also. I wish the like could be obtained, about the question of going to church.

* * * *

And so, for this time, I take my leave, this 30th of October.

Yours ever assuredly,

Rob. North.

*Endorsed by Persons—*

"F. Ducket, 30 Octob. 1606."

No. XXV.—(*Referred to at page* 74).

*Breve Pauli V, Romani Pontificis, contra juramentum Fidelitatis. Sep.* 22, 1606.

[MS. in my possession.]

Paulus Papa V, Catholicis Anglis.

Dilecti filii, salutem et apostolicam benedictionem. Magno animi

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[1] [It is painful to observe the feeling here manifested against Mush. That he should not have entertained any very cordial sentiments of affection for Persons, will surprise no one who has read the preceding volume of this history; but that, at the very moment when he was co-operating zealously and effectively with Holtby in opposition to the oath, the latter, suppressing all allusion to this fact, should thus have travelled out of his way for the sole purpose of increasing the irritation of Persons against him, cannot be too deeply lamented. Yet it will suggest some slight palliation for the rancour with which Persons too frequently pursued his "old friend"; while, at the same time, it will contribute to shew the value, by exposing the origin, of many of those bitter invectives, with which, on the sole authority of Persons, the memory of Mush is even still occasionally assailed.—*T.*]

[2] [The archpriest.—*T.*]

mœrore nos semper affecerunt tribulationes et calamitates, quas pro retinendâ catholicâ fide jugiter sustinuistis: sed cùm intelligamus omnia hoc tempore magis exacerbari, afflictio nostra mirum in modum aucta est. Accepimus namque compelli vos, gravissimis pœnis propositis, templa hæreticorum adire, cœtus eorum frequentare, concionibus illorum interesse. Profectò credimus proculdubiò eos, qui tantâ constantiâ atque fortitudine atrocissimas persecutiones, infinitas propemodùm miserias hactenùs perpessi sunt, ut immaculati ambularent in lege Domini, nunquam commissuros esse, ut coinquinentur communione desertorum divinæ legis. Nihilominùs, zelo pastoralis officii nostri impulsi, et pro paternâ sollicitudine, quâ de salute animarum vestrarum assiduè laboramus, cogimur monere vos atque obtestari, ut nullo pacto ad hæreticorum templa accedatis, aut eorum conciones audiatis, vel cum ipsis in ritibus communicetis, ne in iram Dei incurratis. Non enim licet vobis hæc facere, sine detrimento divini cultûs, et vestræ salutis: quemadmodùm etiam non potestis, absque evidentissimâ gravissimâque divini honoris injuriâ, obligare vos juramento, quod similiter maximo cum nostri cordis dolore audivimus propositum vobis fuisse præstandum, infra scripti tenoris. [*Afterwards, the whole oath being recited verbatim, follows*] :—

Quæ cùm ita sint, satis vobis ex verbis ipsis perspicuum esse debet, quòd hujusmodi juramentum, salvâ fide catholicâ, et salute animarum vestrarum, præstari non potest, cùm multa contineat, quæ fidei atque saluti apertè adversantur. Propterea monemus vos, ut ab hoc et similibus juramentis præstandis omninò caveatis: quod quidem eò acriùs exigimus à vobis, quia experti fidei vestræ constantiam, quæ, tanquam aurum in fornace, perpetuæ tribulationis igne probata est, pro comperto habemus, vos alacri animo subituros esse quæcunque atrociora tormenta, ac mortem denique ipsam constanter oppetituros, potiùs quàm Dei majestatem ullâ in re lædatis. Et fiducia nostra confirmatur ex his, quæ quotidie nobis afferuntur de egregiâ virtute atque fortitudine vestrâ, quæ, non secùs ac in ecclesiæ primordiis, resplendet novissimis hisce temporibus in martyribus vestris. State ergo succincti lumbos vestros in veritate, et induti loricam justitiæ; sumentes scutum fidei, confortamini in Domino, et in potentiâ virtutis ejus; nec quicquam vos deterreat: ipse enim, qui, coronaturus vos, certamina vestra è cœlo intuetur, bonum opus, quod in vobis cœpit, perficiet. Nostis, quia discipulis suis pollicitus est, se nunquam eos relicturum esse orphanos: fidelis enim est qui repromisit. Retinete igitur disciplinam ejus; hoc est, radicati et fundati in charitate, quicquid agitis, quicquid conamini, in simplicitate cordis et in unitate spiritûs sine murmuratione aut hæsitatione unanimes facite. Siquidem in hoc cognoscent omnes, quia

discipuli Christi sumus, si dilectionem ad invicem habuerimus. Quæ quidem charitas, cùm sit omnibus Christi fidelibus maximè appetenda, vobis certè, dilectissimi filii, prorsùs necessaria est. Hâc enim unâ diaboli potentia infringitur, quâ nunc adversus vos tantoperè insurgit, cùm ipsa contentionibus atque dissidiis filiorum nostrorum præcipuè nitatur. Hortamur itaque vos, per viscera Domini nostri Jesu Christi, cujus charitate è faucibus æternæ mortis erepti sumus, ut ante omnia mutuam inter vos charitatem habeatis. Præscripsit sanè vobis præcepta maximè utilia, de fraternâ charitate vicissim exercendâ, felicis recordationis Clemens papa octavus, suis literis in formâ brevis ad dilectum filium magistrum Georgium, archipresbyterum Angliæ, datis die quinto mensis Octobris, 1602. Ea igitur diligenter exequimini; et ne ullâ difficultate aut ambiguitate remoremini, præcipimus vobis, ut illarum literarum verba ad amussim servetis, et simpliciter, prout sonant et jacent, accipiatis et intelligatis, sublatâ omni facultate aliter illa interpretandi. Interim nos nunquam cessabimus Deum, patrem misericordiarum, precari, ut afflictiones et labores vestros clementer respiciat, ac vos continuâ protectione custodiat atque defendat; quibus apostolicam benedictionem nostram peramanter impertimur. Datum Romæ, apud S. Marcum, sub annulo piscatoris, 10 Calend. Octob. 1606, pontificatûs nostri anno secundo.

## No. XXVI.—(*Referred to at page* 74.)

*** *Fifth Examination of George Blackwell, archpriest, taken July* 2, 1607, *before the archbishop of Canterbury, and the dean of Westminster.*

[Original belonging to the Dean and Chapter.]

Mr. Blackwell confesseth,

That he received another breve from Clement the eighth,[1] beginning, "Cum nobilissimum Angliæ regnum," &c., and dated from St. Mark's in Rome, 17 Augusti, anno 1601:

That he published the said breve, wherein he is declared to be archpriest in the whole realm of England, and to be placed, by the same authority, the prefect over all the catholics in England. This breve, he saith, did afterwards appear unto him to have been unlawfully sent into this realm:

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[1] [The previous breve of April 6, 1599, as well as the letters of cardinal Cajetan, appointing him to the office of archpriest (See this history, iii. Append. Nos. XXII., XXIV., XXVII.), had been mentioned in his fourth examination. Orig. belonging to the Dean and Chapter.—*T.*]

That certain books being printed "Permissu Superiorum," he certified the catholics that they might, with a safe conscience, read them, as not being within the compass of the aforesaid breve:[1]

That he received from Rome another breve, beginning, "Venerunt nuper ad nos nonnulli sacerdotes Angliæ," being dated 5 Octobris, 1602:

That he published the said breve, which had been published before and printed, by the discontented priests that procured it:[2]

That he once gave order for general prayers to be had, for the good success of that which was intended by himself in his prayers; which was not, as he saith, for any good success towards the rebels in Ireland, in the late queen's time; but, forasmuch as there was a certain report given out, of the infanta her being with child, that she might have a safe deliverance: adding that he ever detested those courses in Ireland:

That, upon the late queen's death, when his majesty was proclaimed king, he was very joyful; sent wine to a bonfire not far from him; and afterwards, fearing some evil intent, because he perceived some, who had been always too forward in disobedient attempts, to go with great attendance upon them in gallantry, he divulged his letters of persuasion and commandment (so much as lay in him) to all catholics and priests, that in any wise they should be quiet, and attempt nothing, but live, as became subjects, in dutiful and peaceable obedience:

That, upon the publishing of the oath of allegiance, made the last session of this present parliament, he divulged his judgment and direction for the lawfulness of the taking of that oath: and many priests did concur with him in opinion therein, though there were some that dissented:

That, when Mr. Singleton was banished, this examinate, as fearing that his former direction should be disliked in Rome, did deliver unto him the reasons of such his opinion and directions, to be imparted even unto the pope himself, if occasion should require:

That matters were handled with such speed, as that Mr. Singleton, in his journey towards Rome, met a breve from this pope, Paul V., at Sienna, coming towards the Low Countries, to be sent from thence hither:

That, after the departure of Mr. Singleton, this examinate, not contenting himself with that which he had committed to his relation, pre-

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[1] [He alludes particularly to Persons's "Briefe Apologie," which I have mentioned in the preceding volume (Appendix p. clv., note 2). The breve, of which he here speaks, is printed in the same volume, Append. p. cxlix.—*T.*]

[2] [See it in this history, iii. Append. p. clxxxi.—*T.*]

pared one purposely to have been sent to Rome, with all his reasons in writing: and, in the meanwhile, till his said messenger might be ready, he writ his letters and reasons with a more speedy passage, to have stayed all directions or breves against the taking of the said oath of allegiance:

That, when his said letters were come to Rome, none durst present his reasons to the pope: that Mr. Singleton sent him word how he himself, having had speech with the chiefest cardinals and most of the learned men in Rome, did find them to be in opinion contrary to this examinate; and that his (this examinate's) said opinion is condemned already in Salamanca, as he hath been informed:

That afterwards the said breve, which Mr. Singleton met at Sienna, came to this examinate; but with no more particular direction to him than to all other catholics:

That this examinate, having received the said breve, as others likewise had, did shew the same unto some persons; but he saith that he did not publish it, and that he hath been challenged, both at home and from abroad, and greatly blamed in that respect; adding that, when some have urged him in that behalf, his answer was, that he would not thrust his head into the halter wilfully: and that therefore he utterly denieth the letter shewed unto him, dated 28 September, 1606, to have proceeded from him, or that ever he had any knowledge of it; but saith it was falsely given out in his name.

GEORGE BLACKWELL.

## No. XXVII. *(Referred to at page 75).*

### *** *Blount to Persons. Dec.* 7, 1606.

[Original, Stonyhurst MSS. Ang. A. iii. 72.]

Sir,

I wrote unto you but three days since, at which time other also your friends sent theirs unto you; so that I shall not now be long: only you shall understand that the lord William Howard and father Blount are now busy with the ambassador of Spain for money, upon condition of some kind of peace with catholics: whereunto we are moved by the lord chamberlain and his wife, promising faithfully that some good shall be done for catholics. The ambassador is willing to concur with money. What the end will be is very doubtful; because Salisbury will resist: yet such is the want of money with the chamberlain, at this time (whose expenses are infinite), that either Salisbury must supply, or else he must needs break with him, and trust to this refuge. Besides, the chancellor doth much desire to thrust out all the Scottish, of

whom they begin to be afraid; seeing now by experience that, if the catholics go down, the Scottish step into their place; for which cause, the very puritans in the parliament say plainly, if they had thought the Scottish should have had the forfeitures, the last laws should not have been passed. What all will sort unto, a little time will shew. The parliament is not like to end as yet; for the union sticketh much in their teeth, and hitherto nothing is done in it. Yet is it likely to prevail in some sort, because his majesty is peremptory in it, and the greatest opposers against it are absent, pretending of purpose some other occasions,—with whom his majesty doth easily dispense.

Now these last days, we expected some new stratagem, because the solicitor pretended a letter to be brought unto George Talbot, found by chance in St. Clement's church-yard, written in ciphers, wherein were many persons named, and a question asked, whether there were any concavity under the stage in the court. But belike the device failed, and so we hear no words of it. About this time, his house was ransacked; where by chance father Blount came, late the night before, finding four more, 92,[1] N. Smith, Wright, Arnold; being all besieged from morning to night. If things had fallen out as was expected, then that letter would have haply been spoken of; whereas now it is very secret, and only served to pick a thank of James, with whom Salisbury keepeth his credit by such tricks; as upon whose vigilancy his majesty's life dependeth.

These naughty priests afflict us very much; for, besides Skidmore, the bishop of Canterbury his man, Rouse, Atkinson, Gravener, and other relapsed which openly profess to betray their brethren, others are no less dangerous, which persuade a lawfulness of going to sermons and to service, by which means many worldlings, to save their temporals, are contented to follow their counsel; and not only that, but justify their fact also. I would to God the customer[2] would inform of all such matters as belong to him: for his silence doth argue a kind of neglect of the points; and our information maketh us more hated of the estate and secular priests.

I pray commend me to my cousin Thomas, unto whom I would have written long since, but that I have not seen Ned since his first arrival, neither do I hear ought of him worthy the writing: and so, in some haste, with mine own most dutiful remembrance to yourself, I take my leave. London, this 7 December, 1606. Yours ever.

*Endorsed by Persons,*—" Fath. Blunt, 7th of December, 1606."

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[1] [Much of this letter is in cipher: the person designated by this number has not been ascertained.—*T.*]

[2] [The archpriest.—*T.*]

## No. XXVIII. *(Referred to at page 75.)*

*Breve alterum Pauli V., Romani Pontificis, contra Juramentum Fidelitatis. Aug.* 23, 1607.

[MS. in my possession.]

Paulus Papa Quintus Catholicis Anglis.

Dilecti filii, salutem et apostolicam benedictionem. Renuntiatum nobis est, reperiri nonnullos apud vos, qui, cùm satis apertè declaraverimus per nostras literas, anno superiori, 10 calend. Octob. in formâ brevis datas, vos tutâ conscientiâ præstare non posse juramentum, quod a vobis tunc exigebatur, ac præterea strictè præceperimus, ne ullo modo illud præstaretis, nunc dicere audent hujusmodi literas, de prohibitione juramenti, non ex animi nostri sententiâ nostrâque propriâ voluntate scriptas fuisse, sed potiùs aliorum intuitu atque industriâ; eâque de causâ iidem persuadere nituntur, mandata nostra, dictis literis expressa, non esse attendenda. Perturbavit sanè nos hic nuncius, eòque magis quòd, experti vestram obedientiam, filii nostri unicè dilecti, qui, ut huic sanctæ sedi obediretis, opes, facultates, dignitatem, libertatem, vitam denique piè ac generosè nihili fecistis, nunquam suspicati essemus potuisse revocari apud vos in dubium fidem literarum nostrarum apostolicarum, ut hoc prætextu vos ex mandatis nostris eximeretis. Verùm agnoscimus versutiam atque fraudem adversarii humanæ salutis, eique, potiùs quàm vestræ voluntati, tribuimus hanc renitentiam. Eaproptèr, iterùm ad vos scribere decrevimus, et denuò vobis significare literas nostras apostolicas, anno præterito 10 calend. Octobris datas, de prohibitione juramenti, non solùm motu proprio et ex certâ nostrâ scientiâ, verùm etiam post longam et gravem deliberationem de omnibus quæ in illis continentur adhibitam, scriptas fuisse, et ob id teneri vos illas omninò observare, omni interpretatione secùs suadente rejectâ. Hæc autem est mera, pura, integraque voluntas nostra, qui, de vestrâ salute soliciti, semper cogitamus ea quæ vobis magis expediunt. Et ut cogitationes et consilia nostra illuminet is, à quo christiano gregi custodiendo nostra fuit præposita humilitas, indesinenter oramus; quem etiam jugiter precamur ut in vobis, filiis nostris summoperè dilectis, fidem, constantiam, mutuamque inter vos charitatem et pacem augeat; quibus omnibus cum omni charitatis affectu benedicimus. Datum Romæ, apud Sanctum Marcum, sub annulo piscatoris, 10 calend. Septembris, 1607, pontificatûs nostri anno tertio.

Petrus Strozza.

## No. XXIX.—(*Referred to at page* 75.)

### *** *Blackwell to his clergy. July* 7, 1607.

[Original, in the State Paper Office; Recusant Papers, No. 128.]

My very Reverend Assistants, and dear Brethren,

You know how many years I have passed over among you, in much tribulation; and how often, under God his holy protection, I have escaped dangers, albeit they were still imminent and hanging over my head. But now of late it hath pleased our gracious Lord to suffer me to fall into the mouth of one, who long hath gaped after me; for the safety of whose soul if I be as careful, as he hath been forward upon the apprehension of my body, I shall but perform the duty of a good christian.

I thank God that, in all mine afflictions of twelve days' close imprisonment, and of eight examinations at Lambeth, I have given no occasion to any person to speak evil of me: neither, as I trust, shall I run upon your hard censures, for any thing I have done. I must confess, but not without much grief, that, in the course of my examinations, I espied great defects of sincere dealing among ourselves: for the lord archbishop made a heavy present unto me of his holiness's breves, and of the copies of my letters about the publication of the same, with such other pressing evidences of all my proceedings, that I could not avoid, without a reproachful note and much discredit, the force of truth in the points objected against me.

But the urging supereminent point was, to know whether I had altered, or retained still the continuance of my former opinion, about the lawfulness of taking the oath of allegiance. For answer,—finding what hatred and jealousy we have incurred in the opinion of his majesty and the state, for the refusal of the oath, and thereupon making a review of the reasons, drawing me into the former public approbation thereof; and relying upon very moving considerations delivered by his majesty, 19° Martii, anno 1603, which are now in print; and further, being informed how the parliament did purposely avoid to call into question the authority of the pope to excommunicate, but did only intend to prevent the dangers which might ensue, by the supposed doctrine of such inferences as thereupon have been made, and are mentioned in that oath,—upon these respects and others, I granted and made known the admittance of my former opinion, and did accept of the oath of allegiance, and have taken the same, word for word as it is set down in the statute.

Afterwards, falling into speech of excommunication, I delivered my mind,—first, that I thought his holiness would not, at any time, excom-

municate his majesty: secondly, that no lawful excommunication can or ought to produce or to enforce such grievous effects, as have been made, and are mentioned in that oath: thirdly, that, if any such excommunication should come from his holiness, that, by virtue thereof, it should be thought that his majesty's subjects were discharged of their oaths and duties of allegiance, or that they were bound to bear arms against him, or to offer violence unto his royal person, or to commit any treachery or treason against any of his dominions, I would hold myself, nevertheless, for my part and estate, bound by the law of God to continue his majesty's most loyal and faithful subject.—And my judgment further is, that all good catholics ought to concur with me herein, and to do the like: for this is my conscience and resolution, that no lawful excommunication can be justly denounced and published by the pope against his majesty, which can or ought, as I have said, to inculcate, command, or work and bring forth any such effects: and that all his majesty's subjects, the same notwithstanding, if any such should ever happen, do still continue, as formerly, obliged to his majesty to all intents and purposes, as they were ever obliged at any time before, or as if such an excommunication had never been thought of, framed, denounced, or published.

And therefore, not knowing whether ever I shall have opportunity again to write unto you, I have thus at large discharged my conscience in this matter; persuading myself that you, my assistants, and dear brethren, will take the oath as I have done, when it shall be offered unto you, and that you will instruct the lay catholics that they may so do, when it is tendered them:—so shall we shake off the false and grievous imputations of treasons and treacheries: so shall lay catholics not overthrow their estates: so shall we effect that which his holiness desireth, that is, to exhibit our duties to God and our prince. Surely this will bring us gain, and increase of many comforts. And so, to conclude in the apostle his words, "charitas mea cum omnibus vobis, in Christo Jesu, Amen." From the Gatehouse, 7 Julii, 1607.

Georgius Blackwellus, Archibresbyter
et Protonotarius Apostolicus.

No. XXX.—*(Referred to at page* 75.)

*** *Cardinal Bellarmine to Blackwell. Sep.* 28, 1607.

[MS. in my possession.]

Admodùm Reverendo Domino Georgio Blackwello, archipresbytero Anglorum, Robertus S. R. E. cardinalis Bellarminus, S. D.

Venerabilis in Christo Domine frater. Anni sunt ferè quadraginta quòd invicem non viderimus; sed ego tamen veteris consuetudinis

nunquam oblitus sum, teque in vineâ Domini strenuè laborantem, quando aliter non potui, orationibus Deo commendare non destiti: me quoque in tuâ memoriâ toto hoc tempore vixisse, et in tuis orationibus ad altare Domini locum aliquem habuisse, non dubito. Ita igitur, ad hoc usque tempus, non verbis aut literis, sed opere et veritate, ut sanctus Joannes loquitur, alter in alterius dilectione permansimus. Sed hoc silentium rumpere coëgit nuncius, qui diebus istis de tuis vinculis et carcere ad nos venit: qui quidem nuncius, etsi tristis videri poterat, ob jacturam pastoralis tuæ solicitudinis quam ecclesia ista fecit, tamen lætus quoque videbatur, quoniam ad martyrii gloriam, quo dono Dei nullum est felicius, propinquabas, ut qui tot annis gregem tuum verbo et doctrinâ pavisses, nunc exemplo patientiæ gloriosiùs pasceres. Verùm hanc lætitiam non mediocriter inturbavit ac ferè corrupit tristis alius nuncius, qui de constantiâ tuâ in recusando illicito juramento ab adversariis tentatâ, fortè etiam labefactatâ, et prostratâ, successit. Neque enim, frater charissime, juramentum illud ideo licitum esse potuit, quod aliquo modo temperatum et modificatum offerebatur: scis enim ejusmodi modificationes nihil esse aliud quàm Satanæ dolos et versutias, ut fides catholica de primatu sedis apostolicæ vel apertè vel occultè petatur; pro quâ fide tot inclyti martyres in istâ ipsâ Angliâ ad sanguinem usque pugnarunt. Certè enim, quibuscumque verbis juramentum ab adversariis fidei concipiatur in regno isto, eò tendit ut auctoritas capitis ecclesiæ à successore sancti Petri ad successorem Henrici octavi in Angliâ transferatur. Quod enim obtenditur de periculo vitæ regis, si summus pontifex eam in Angliâ potestatem habeat, quam in aliis omnibus christianis regnis habet, inane prorsùs esse, omnes qui sunt aliquâ prudentiâ præditi facile vident: neque enim auditum est unquam, ab initio nascentis ecclesiæ usque ad hæc nostra tempora, quòd ullus pontifex maximus principem ullum, quamvis hæreticum, quamvis ethnicum, quamvis persecutorem, cædi mandaverit, aut cædem fortè ab aliquo patratam probaverit. Et cur, quæso, unus rex Angliæ timet, quod ex tot christianis principibus nullus timet, nullus timuit? Sed, ut dixi, vani isti prætextus decipulæ sunt, et stratagemata Satanæ; qualia non pauca in historiis veterum temporum inveniuntur, quæ facilè referre possem, si non epistolam, sed librum integrum scribendum suscepissem. Unum tantùm, exempli gratiâ, ad memoriam tibi revocabo. Scribit sanctus Gregorius Nazianzenus, in primâ oratione in Julianum imperatorem, illum, ut simplicibus christianis imponeret, in imaginibus imperatoriis, quas Romani civili quodam genere honoris pro more adorabant, imagines deorum falsorum admiscuisse, ut nemo posset imperatoris imaginem adorare, quin simul deorum simulachris cultum adhiberet. Hinc nimirùm fiebat, ut plurimi

deciperentur, et, si qui fortè, fraudem subodorati, imperatoris imaginem venerari recusarent, ii gravissimè punirentur, ut qui Cæsarem in suâ imagine contempsissent. Tale aliquid in juramento vobis oblato mihi videre videor, quod eâ fraude compositum est, ut nemo possit proditionem in regem detestari, civilemque subjectionem profiteri, quin primatum sedis apostolicæ perfidè negare cogatur. Sed Christi servi, ac præsertim primarii domini sacerdotes, ubi periculum fidei subesse possit, tantum abesse debent à susceptione illiciti juramenti, ut ab omni etiam suspicione simulationis præstiti juramenti cavere debeant; ne fidelibus populis ullum prævaricationis exemplum reliquisse videantur. Quod egregiè præstitit insignis ille Eleazarus, qui neque porcinas carnes comedere, neque simulare comedisse, voluit, quamvis gravissima tormenta sibi cerneret imminere; ne, ut ipse ait in secundo libro Maccabæorum, multi juvenum per eam simulationem ad legis prævaricationem animarentur. Neque minùs fortiter magnus Basilius, et exemplo ad res nostras magis accommodato, cum Valente imperatore se gessit. Nam, ut in historiâ scribit Theodoretus, cùm præfectus imperatoris hæretici hortaretur sanctum Basilium ut non vellet, propter parvam dogmatum subtilitatem, imperatori resistere, respondit vir ille sanctissimus et prudentissimus, non esse ferendum ut de divinis dogmatibus vel una syllaba corrumpatur, sed potiùs pro eorum defensione omne genus supplicii amplectendum. Equidem arbitror non deesse apud vos, qui dogmatum subtilitatem esse dicant quæ in juramento catholicis hominibus proposito continentur, et non esse, propter rem tàm parvam, regis imperio reluctandum. Sed non deerunt etiam viri sancti, ac magno Basilio similes, qui palàm affirmabunt, non esse de divinis dogmatibus vel minimam aliquam syllabam corrumpendam, etiamsi tormenta, et mors ipsa toleranda proponatur. Inter hos unum, vel potiùs horum principem atque antesignanum, te esse par est: et quamvis vel inopinata apprehensio, vel acerbitas persecutionis, vel senectutis imbecillitas, vel quid aliud in causâ fuerit ut constantia titubaverit, confidimus tamen de Domini pietate, et de diuturnâ tuâ virtute, fore ut, qui sancti Petri et sancti Marcellini casum aliquâ ex parte imitatus videris, eorundem fortitudinem in reparandis viribus et veritate asserendâ feliciter imiteris. Nam si rem totam diligenter apud te cogitare volueris, videbis præfectò non esse rem parvam, quæ ob juramentum istud in discrimen adducitur, sed unum ex præcipuis fidei nostræ capitibus, ac religionis catholicæ fundamentis. Audi enim quid apostolus vester, magnus Gregorius, in epistolâ quadragesimâ secundâ libri undecimi scribat:—"Apostolicæ sedis reverentia nullius præsumptione turbetur; tunc enim membrorum status integer perseverat, si caput fidei nullâ pulsetur injuriâ." Itaque, S. Gregorio teste, cùm de primatu sedis apostolicæ vel turbando, vel

minuendo, vel tollendo satagitur, de ipso capite fidei amputando, ac de totius corporis omniumque membrorum statu dissipando, satagitur. Quod ipsum sanctus Leo confirmat in sermone tertio de assumptione suâ ad pontificatum, cùm ait,—" Specialis cura Petri à Domino suscipitur, et pro fide Petri propriè supplicatur, tanquam aliorum statûs certior sit futurus, si mens principis victa non fuerit." Ex quo idem ipse in epistolâ ad episcopos Viennensis provinciæ affirmare non dubitat, necesse esse exortem illum ministerii esse divini, qui ausus fuerit à Petri soliditate recedere. Qui rursùm ait,—" Quisquis huic sedi principatum existimat denegandum, illius quidem nullo modo potest minuere dignitatem, sed, inflatus spiritu superbiæ suæ, semetipsum in infernum demergit." Atque hæc quidem et alia ejusdem generis multa tibi notissima esse certò scio, qui, præter ceteros libros, " Visibilem monarchiam " Sanderi tui, scriptoris diligentissimi, et de ecclesiâ Anglicanâ optimè meriti, sæpè legisti, quique ignorare non potes sanctissimos viros, eosque doctissimos, Joannem Roffensem et Thomam Morum, pro hoc uno gravissimo dogmate duces ad martyrium plurimis aliis, cum ingenti Anglicæ nationis gloriâ, nostrâ memoriâ fuisse. Sed ad memoriam tibi revocare volui, ut colligas te, et, magnitudinem rei considerans, non tuo judicio nimium fidas, neque plus sapias quàm oportet sapere ; et si fortè lapsus tuus non ex inconsideratione, sed ex infirmitate humanâ, et metu carceris et suppliciorum profectus est, non anteponas libertatem temporalem libertati gloriæ filiorum Dei, neque, ob momentaneam et levem tribulationem fugiendam, amittere velis æternum gloriæ pondus quod ipsa tribulatio operatur in te. Bonum certamen diù certasti, cursum fermè consummasti, fidem tot annis servasti : noli igitur tantorum laborum præmia tàm facilè perdere ; noli coronâ justitiæ, quæ tibi jamdudum paratur, teipsum privare ; noli tot fratrum et filiorum tuorum vultus confundere. In te sunt, hoc tempore, conjecti oculi totius ecclesiæ ; quinetiam spectaculum factus es mundo, angelis, et hominibus. Noli in extremo actu ita te gerere, ut et tuis luctum, et gaudium hostibus relinquas : sed contrà potiùs, quod omninò speramus, et pro quo ad Deum nostrum assiduè preces fundimus, vexillum fidei gloriosè erigas, et, quam contristaveras, lætam facias ecclesiam ; nec jam solùm veniam merearis à Domino, sed coronam. Vale, viriliter age, et confortetur cor tuum. Romæ, die 28 Septembris, 1607.

Reverende admodùm Domine,

Vester frater et servus in Christo,

Robertus Cardinalis Bellarminus.

*** *Blackwell to Bellarmine, November* 13, 1607.

[Examination faicte à Lambeth.]

Reverendissime in Christo Pater, et illustrissime Cardinalis Bellarmine,

Doleo plurimùm quòd illustrissima amplitudo vestra de me, propter catholicam fidem incarcerato, tam duram conceperit, et mihi terribilem opinionem. Hactenùs, per Dei gratiam, ne in minimo quidem articulo fluctuasse me memini, qui certò et definitè ad sublimem majestatem et summam authoritatem sedis apostolicæ pertineret. Quod ad juramentum spectat, fateor me illud suscepisse, sed in eo sensu qui in catholicorum scriptis probatus apparet, et nullâ labe temeritatis aspersus. Sensus enim meus, ter repetitus, et acceptus a magistratu, et jam etiam publicè typis propagatus, hic est,—Summum pontificem non habere imperialem et civilem potestatem ad libitum, et ex suo appetitu, deponendi nostrum regem. Talem potestatem catholici theologi nunquam tribuerunt sanctissimo divi Petri successori, ut illustrissimus bonæ memoriæ cardinalis Alanus, et alii non contemnendi scriptores in monumentis suis ad posteritatis memoriam notaverunt.[1] Neque est cur quisquam vel minimam suspicionem habeat, illum sensum admissum esse à magistratu, deformandæ causâ, aut imminuendæ, aut spoliandæ dignitatis apostolicæ. Certè tales ex suspicione nati conceptus sunt plerùmque fallacissimi magistri, et faciunt timorem ubi nullus est timor.

Sed ut pergam, quam institui, tenere viam :—Illud etiam ad defensionem meam accedit, quod positum est ab illustrissimo cardinale Cajetano, in responsione suâ ad Parisienses,—" quòd utrumque verè determinari possit de papâ ; et quòd habet supremam potestatem in temporalibus, et quòd non habet supremam potestatem in temporalibus ; quoniam utrumque verum est ad sanum intellectum. Affirmatio namque est vera in ordine ad spiritualia ; negatio verò est vera directè, seu secundum seipsa temporalia. Unde nihil ex utrâque decisione erroris accidit."[2]—Hæc ille. Illam etiam sententiam in libros suos præstantissimi catholici scriptores conjecerunt ; videlicet, ad summum pontificem, cum finitæ et limitatæ sit capacitatis, et multotiès ipsum lateat ordo et proportio rerum temporalium in finem spiritualem, ideo ad ipsum nequaquàm spectare omnibus modis rerum dominari, sed solùm juxta taxatum et præfinitum canonem, quo, secundùm humanum intelligentiæ modum, ipse papa despicere valet quâ viâ temporalia spiritualibus

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[1] Alanus, in respons. ad Justitiam Anglicanam : Sixtus Senensis in Biblioth. sanctâ : S. R. contra Tho. Bell : R. Personius contra Morton, 69.

[2] Cajetan. tom. i. Tract 1. Apologiæ, part 2, cap. 13.

deserviant.[1] Atque eandem sententiam lego, ab alio scriptore valdè catholico hisce verbis expressam :—" In temporalibus pontificis potestatem esse limitatam, et de illis posse disponere usque ad certam quandam mensuram, videlicet, quatenus finis spiritualis exigat." [2]

Cum ergo ad hunc modum arcta et astricta sit pontificis authoritas in temporalibus, cur nos in tam gravem reprehensionem incurreremus, qui dicimus summum pontificem non habere potestatem deponendi nostrum regem, quia inde perturbatio ecclesiæ, et eversio catholicorum nostrorum in bonis et possessionibus, et detrimenta plurimarum animarum provenirent? Audiat amplitudo vestra, non me, sed defensorem assertionis vestræ contra Venetos, qui sic ait :—" Potestas summi pontificis limitata est, ne de rebus temporalibus disponere possit ultrà exigentiam finis supernaturalis." His adjungi potest etiam excellentissimæ amplitudinis vestræ sententia. " Quantum ad personas, non potest papa, ut papa, ordinariè temporales principes deponere, etiam justâ de causâ, eo modo quo deponit episcopos, id est, tanquam ordinarius judex ; tamen potest mutare regna, et uni auferre, et alteri conferre, tanquam summus princeps spiritualis, si id necessarium sit ad animarum salutem."—Quæ verba planè firmant nostram admissionem juramenti. Nam verba juramenti sunt,—" papam non habere authoritatem deponendi regem, aut disponendi de regnis et dominiis majestatis suæ ;"—et communis intellectus apud magistratum ad nullum alium conceptum propendet, quàm ad hunc, videlicet, " papam, ut papa est : " nam non potest pertingere ad illum conceptum,—" tanquam summum principem spiritualem." Et cum proponitur juramentum suscipiendum, illius sensus, cognitus à magistratu, restringitur ad ordinariam potestatem : nam qui proponunt juramentum, illi remotissimi sunt à cogitatione extraordinariæ aut indirectæ potestatis in papâ residentis.

Neque etiam si amplitudinis vestræ mitissima dispositio vel minimâ ex parte conciperet ruinas familiarum catholicarum, quas inferret recusatio juramenti, certè non dissentiret à nobis, qui ex luctuosissimis spectaculis videmus indè profecturam esse, non modò jacturam animarum, sed etiam totius statûs catholici apud nos lamentabilem extirpationem. Cum ergo persentiscimus authoritatem summi pontificis, quoad depositionem nostri regis, non esse in ordine ad spiritualia promovenda, sed evertenda, cur exagitaremur, tanquam desertores fidei et negatores apostolici primatûs, qui nihil aliud tenemus, quàm quod ubique theologi in suas conclusiones compegerunt?

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[1] Alphon. Mendoza, de Regno et Dominio Christi, num. 15. Petrus de Arragon, Quæst. 67, art. 1.

[2] Joan. Pediezzanus, in Respons. ad Venetos.

Suarez ait,—" In universum omnia hæc temporalia cadunt, tantùm indirectè, sub potestatem spiritualem, id est, in ordine ad finem spiritualem."[1] Salmeron dicit,—" Petri potestas est solùm ad ædificationem, quod aliis verbis solet dici, *clave non errante*." Et loquens de papæ potestate ait,—" Si sit in destructionem, non est potestas aut potentia, sed impotentia et defectus. Hoc possumus quod jure possumus."[2] Martinus Aspilcueta, loquens de ecclesiasticâ potestate, inquit,—" Ergo tantum se ad temporalia extendet, quantum ratio supernaturalium exigit, et non ultrà."[3] His societur Covarruvias,—" Constat hujus quæstionis resolutio, ut (salvâ semper ecclesiæ catholicæ definitione) constituamus Romanum pontificem nec actu, nec habitu universi orbis, nec in ipsos quidem christianos temporalem jurisdictionem habere, nisi quatenus ea necessaria sit ad spiritualis jurisdictionis et potestatis utiliorem et faciliorem usum."[4]

Possum longiùs innavigare in hoc doctorum torrente, liberrimè profluente ad defensionem nostram de juramento. Qui enim æquo oculo pericula nostra intueretur, facilè adverteret potestatem summi pontificis in depositione nostri regis jam contineri non posse intra fines ordinis ad spiritualia sublevanda, sed excurrere ad supprimenda omnia quæ hactenùs in spiritualibus benè posita fuerunt. Hinc patet in quàm lamentabilem conditionem detrudunt me illæ paulò graviores et acerbiores animadversiones,—quòd ex Satanæ dolis consentirem ut fides catholica de primatu sedis apostolicæ vel apertè vel obscurè petatur: quòd juramentum in regno isto eò tendit, ut authoritas capitis ecclesiæ à successore sancti Petri ad successorem Henrici octavi in Angliâ transferatur: quòd hic periculum fidei subesse possit: quòd videor sancti Petri et sancti Marcellini casum aliquâ ex parte imitatus: quòd non sit res parva quæ ob juramentum istud in discrimen adducitur, sed unum ex præcipuis fidei nostræ capitibus, et religionis catholicæ fundamentis: et quòd debeam audire quid sanctus Gregorius magnus affirmat, et quid sanctus Leo confirmat, et attendere quid Sanderus pronunciavit; et quòd pro hoc uno gravissimo dogmate Joannes Roffensis et Thomas Morus duces ad martyrium aliis extiterunt; et quod non plus sapiam quàm oportet sapere; et quòd fortè lapsus fuerim, non ex inconsideratione, sed ex infirmitate humanâ, &c. Hæc legi attentè, et meam vicem dolui quòd tantus acervus notationum censoriarum apud vos construitur adversùm me, qui nec capio, nec sapio, quo modo vel exigua aliqua pars detrimenti possit importari primatui summi pontificis ex sensu,

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[1] Disput. 16. De Excommunicatione Majore, sect. 1.
[2] Salmeron, iv. 416, 420.
[3] Navarr. Relect. c. Novit. de Judic. notab. 3, p. 106.
[4] Covar. ii. 506, num. 7.

quem ego (approbante magistratu) præposueram juramento. Sed si verba exteriùs non tàm gratum sonum fundere videantur, non debet tamen sensus vel intellectus verbis servire, sed verba intellectui; ut patet ex lib. v. Decretalium Gregorii, de verborum significatione.

Neque suspicari possum quâ ratione aliquod periculum fidei ex juramenti susceptione creari possit, cum nihil omninò implicatum habeat quod aliquam speciem vel formam rei, quæ sit fidei, formaliter adumbraret. Nam, ut Covarruvias, Martinus ab Aspilcuetta, et Binsfeldius affirmant, nihil certi de pontificis authoritate circà temporalia hactenùs ab ecclesiâ definitum est;[1] et illustrissimus bonæ memoriæ cardinalis Alanus in hac causâ ait,—"Quæstio est planè theologica, et cum religione christianâ arctissimè cohærens; de quâ etsi forsan non definitè pro parte nostrâ definitum sit, posse tamen et solere theologicis argumentis in utramque partem disputari, ipsi quidem adversarii, si quicquam sciunt, ignorare non possunt."[2] Sic ille.—Cæterùm, fortè ad nos premendos Innocentius tertius et Bonifacius octavus concurrent. Illi autem, ut ait Bannes,[3] loquuntur de potestate et dominio in ordine ad spiritualia, cum opus fuerit illam exercere, ut patet manifestè intuenti ipsa jura. Atque hæc est indirecta potestas, quæ regem nostrum non attingit: quia res Anglicanæ jam in eo statu positæ et defixæ sunt, ut omnis ordo ad spiritualia promovenda, per depositionem nostri regis, interciderit, ac proindè providendum ne duriorem nobis conditionem statuatis. Et sanè, nonobstante Bonifacii definitione (ut liquidò constat per consequentem Clementis declarationem),[4] nihil dignitatis aut antiqui sui juris amisit rex Francorum: quod facere non potuit Clemens, si definitio Bonifacii ex cathedrâ, tanquam res fidei, formaliter emanasset. Atque hac in re valdè notatum fuit à me quod Cajetanus contra Parisienses deposuerat, viz.,—"Quia aliud est determinare de fide formaliter, et aliud de eo quod est fidei materialiter: nam primum importat, determinare quid credendum vel non credendum est, secundum autem, determinare de quæstionibus quæ in rebus creditis accidunt; et constat, cùm determinatur quæstio aliqua secundo modo, non determinari dicitur de fide, sed de tali vel tali materiâ. Ideo, cum dicitur quòd papa non potest errare in judicio fidei, non accipio dictum esse nisi de judicio fidei formaliter, quando, scilicet, determinatur quid credendum vel non credendum."[5] Hæc ille:—ex quibus ego, subjiciens

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1 Covarr. part 2, pag. 504: Navarr. in c. Novit. de Jud. not.: Binsfeld in Tract. de Injuriâ et damno dato, c. 7, p. 353.

2 Respons. ad Justitiam Ang. 326b.

3 In præamb. de Dominio Christi, p. 92 de Jure et Justitia.

4 Clemens, de Privileg. cap. *Meruit.*

5 Cajetan. tom. i. tract. 1. Apol. part 2, cap. 13.

me exquisitissimo judicio vestro, colligo, si definiretur, tanquam res fidei formaliter, scilicet,—Papa habet potestatem deponendi reges indirectè, hoc est, in ordine ad spiritualia, quòd certè ex eâ definitione in thesi, omnes tenerentur firmitèr illud credere: sed si quæstio proponeretur in hypothesi, an papa habeat potestatem deponendi nostrum regem, rebus in eo statu quo nunc sunt permanentibus apud nos, sanè videtur mihi (salvo acutiore judicio) quòd hujus quæstionis determinatio esset de eo quod est fidei materialiter; quia esset determinatio de quæstione quæ in rebus creditis accidit, et proindè non diceretur determinatio de fide, sed de tali materiâ. Determinatio autem de re fidei formaliter nos ad credendum obstrictos tenet.—Jam ego, projectus ad sinceritatem æquissimi judicii vestri, peto summoperè ab amplitudine vestrâ ut decernat utrum aliquâ in re, quæ sit fidei formaliter, ego vacillaverim, aut à cursu in quo signata sunt doctissimorum theologorum judicia deflexerim.

Quo modo ergo pertractus sum aliquâ ex parte in consortionem lapsûs D. Petri ac D. Marcellini, aut quâ de causâ mentio fieret Sanderi (cujus sententiam secutus sum in libro de Clave David, ubi ait,—"Gladius ecclesiæ in ædificationem datus est, non ad destructionem; ad vitam conferendam, non ad inferendam mortem; ad defensionem gregis, non ad læsionem pecoris; ad arcendum lupum, non ad devorandum agnum") [non video]: et, si liceat mihi progredi in defensione meâ, ego planè non video ex quâ ratione illa verba recitata aut ex Gregorio Nazianzeno, aut ex Basilio Magno, aut ex Leone et Gregorio Magnis; aut quomodo etiam laudabile factum Eleazari, aut nobilitata multorum scriptis martyria Thomæ Mori et Joannis Roffensis in me torqueri possint; cum in juramento meo nullum vel minimum signum extet, quod adjunctam aliquam deformitatem præferat contra fidem, aut quod aliquam syllabam imminuat in aliquâ re fidei, aut quod aliquid detrimenti adferat prohibitioni divinæ, vel quod de rebus definitis circa primatum summi pontificis aliquantulum derogaret. Sanè procùl abest à nobis, ut depasci veterem possessionem apostolicæ sedis ab aliquo acuto homine aliquando sineremus. Peto igitur humillimè ab amplitudine vestrâ, ut hæc tàm gravia contra me, prætexta ex filis parùm æquioris coloris, discindantur, et conversa in fumum evanescant. Senex sum, et in carcerem conjectus propter fidem catholicam; et non novi me hactenùs in ulla alia curricula devenisse, quàm in illa in quibus impressa sunt doctissimorum catholicorum manifestissima vestigia. Conticescant igitur, obsecro, omnes illæ circumsonantes vociferationes adversùm me innocentem, et apostolicæ cathedræ studiosissimum propugnatorem: cujus rei jam sit testis incarceratio mea; testes sint creberrimæ conciones meæ: testes sint in antegresso

decursu triginta duorum annorum periclitationes meæ pro dignitate sedis apostolicæ; testis sit administratio archipresbyteratûs, quotidianis septa periculis vitæ meæ.

Sed quo progredior? Certè paulò effusior videri possim in repetitione harum rerum coram amplitudine vestrâ, quæ, ut spero, jam rigidiorem vestram opinionem, de me et de meo facto, ad majorem æquitatis et commiserationis temperationem revocabit. Sed finem faciam, et extremum habebit illa sancti Leonis sententia,—"Manet Petri privilegium, ubicumque ex ipsius fertur æquitate judicium; nec nimia est vel severitas, vel remissio, ubi nihil erit ligatum, nihil solutum, nisi quod beatus Petrus aut solverit, aut ligaverit."[1] Dominus Jesus amplitudinem vestram conservet ad majorem dilatationem catholicæ fidei, et nostram consolationem. Londini, è carcere, 13 Novemb. 1607.

Vestræ amplitudinis humillimus servus,

GEORGIUS BLACKWELLUS.

No. XXXI.—(*Referred to at page 75).*

*** *Breve of Paul V. deposing Blackwell, and appointing Birkhead as his successor. Feb.* 1, 1608.

[Transcript of the attested copy sent by Birkhead to Blackwell. MS. in the State Paper Office.]

Paulus Papa V.

Dilecte fili, salutem et apostolicam benedictionem. Cum pridem bonæ memoriæ Henricus, tituli sanctæ Pudentiæ, presbyter cardinalis, Cajetanus nuncupatus, tunc regni Angliæ apud Romanum pontificem et sedem apostolicam protector, jussu felicis recordationis Clementis papæ, prædecessoris nostri, Georgium Blackwellum, sacerdotem Anglum, sacræ theologiæ baccalaureum, ut cæteris omnibus seminariorum apostolicorum sacerdotibus Anglis authoritate archipresbyteri præesset, quoad dictus pontifex prædecessor, aut ipse protector, ejus mandato, aliud statuisset, per quasdam patentes literas constituerit, et expressas facultates eidem Georgio concesserit: et deinde dictus Clemens prædecessor deputationem et facultates hujusmodi per ejus in formâ brevis literas confirmaverit; prout in patentibus Henrici cardinalis prædicti, et prædictis in formâ brevis Clementis prædecessoris literis, quarum singularum tenores præsentibus pro expressis haberi volumus, pleniùs continetur,—Nos, ex nonnullis legitimis causis animum nostrum moventibus, prædictum Georgium è prædicto munere absolvendum esse

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Serm. 3, in anniversario assumptionis suæ. Legitur in lect. 9, in festo cath. S. Petri Antiochiæ.

censentes, motu proprio, et ex certâ nostrâ scientiâ, et maturâ deliberatione, deque apostolicæ potestatis plenitudine, ipsum Georgium et quemcumque alium ab eâdem quâvis authoritate hactenùs substitutum vel substituendum,[1] à munere archipresbyteri hujusmodi absolvimus et amovemus, omnibusque facultatibus quâvis authoritate obtentis privamus, illique ejusque substituto vel substituendo hujusmodi ne ulteriùs dicto munere fungatur, et facultatibus sibi propterea concessis utatur, expressè interdicimus et prohibemus.

Porrò de tuâ fide, prudentiâ, integritate, catholicæ religionis zelo, aliisque virtutibus, super quibus apud nos fide-dignorum testimoniis commendaris, plurimùm in Domino confisi, motu, scientiâ, et potestatis plenitudine similibus, te interim (donec aliud à nobis et apostolicâ sede statuatur) in locum ejusdem Georgii, ad munus prædictum (ut nimirùm cæteris omnibus dictorum seminariorum sacerdotibus sæcularibus authoritate archipresbyteri, cum facultatibus manu dilecti filii nostri Innocentii, tituli SS. Nerei et Achillei S. R. E. presbyteri cardinalis, de Bubalis nuncupati, regni prædicti Angliæ viceprotectoris, subscriptis, ejus denique signo signatis, ac præsentibus nostris allegatis prædictis) tenore præsentium apostolicâ authoritate substituimus et subrogamus, et nominatim constituimus et deputamus; tibique injungimus et mandamus, et specialem facultatem ad hoc tribuimus, ut, authoritate nostrâ, omnes et singulos sacerdotes Anglos, qui quoddam juramentum in quo multa continentur quæ fidei atque saluti animarum apertè adversantur, tenoris sequentis, viz., "Ego, A. B., verè et sincerè agnosco," &c., ut non sine gravi mœrore accepimus, præstiterunt, vel ad loca, ad quæ hæretici ad eorum superstitiosa ministeria peragenda convenire solent, consultò accesserunt, aut qui talia licitè fieri posse docuerunt et docent, admonere cures ut ab hujusmodi erroribus recipiscant et abstineant:—quòd si, intra tempus (extrajudicialiter tamen) arbitrio tuo illis præfigendum, hoc facere distulerint, seu aliquis illorum distulerit, illos seu illum facultatibus et privilegiis omnibus ab apostolicâ sede, seu illius authoritate à quocumque alio illis vel cuivis illorum concessis, eâdem authoritate prives ac privatos dictes.

Cæterùm te paternè in Domino hortamur et monemus, tibique nihilominùs in virtute sanctæ obedientiæ districtè præcipiendo mandamus,

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1 [This alludes particularly to Colleton, who, on the apprehension of Blackwell in June, 1607, had been deputed by him to exercise the archipresbyterial jurisdiction. The appointment is said to have been made by virtue of a special authority from Rome: but, because Blackwell had taken the oath, its acceptance seems to have furnished Persons with a ground of complaint against Colleton, as an abettor of the archpriest's proceeding. The charge is noticed and replied to by Colleton, in a letter written on the 20th of September, 1608, and printed in a subsequent part of this appendix.—*T.*]

ut munus hoc libentèr suscipias, illudque ad Dei gloriam, catholicæ fidei exaltationem, catholicorum spirituale solamen, piè rectèque, et omni quâ decet charitate, studeas exercere, cunctosque sacerdotes fraternè in Christo charitatis glutine invicem copulatos continere, illosque imprimis æqualiter tractare, omni vigilantiâ cures. Nos nunc tibi, ut alacriùs et fortiùs Christi obsequiis in ejus vineâ istic elabores, apostolicam nostram benedictionem concedimus, ac felicia omnia à Domino deprecamur: decernentes præsentes literas de surreptionis, abreptionis, aut nullitatis vitio, seu intentionis nostræ, vel alio quocumque defectu, notari, impugnari, aut redargui nullatenùs posse; et quoscumque contradictores omnium et quarumcumque facultatum, quâvis authoritate obtentarum, privationem, necnon indignationem omnipotentis Dei, ac beatorum apostolorum ejus Petri et Pauli, et nostram, eo ipso incursuros esse; et nihilominùs irritum et inane quicquid secùs super his à quocumque, quâvis authoritate, scienter vel ignoranter, contigerit attentari: non obstantibus constitutionibus et ordinationibus apostolicis, cæterisque contrariis quibuscumque. Datum Romæ, apud S. Petrum, sub annulo piscatoris, die primâ Februarii, 1608, pontificatûs nostri anno tertio.

Scipio Cobellutius.

Georgius Birkettus, *Archipresbyter Angliæ, et Protonotarius Apostolicus.*
Joannes Musheus, *Assistens.*
Georgius Dale, *Presbyter.*
Robertus Fosterus, *Presbyter.*

No. XXXII.—(*Referred to at page* 76.)

*** *Birkhead to Cardinal Bubalis, April* 13, 1608.

[Original draft, in my possession.]

Illustrissime Domine,

Finito Paschatis festo, Londinum properavi, constituens exemplaria nonnulla brevis quamprimùm inter sacerdotes dispergere: sed tantus rumor de novo archipresbytero subitò factus est, et tam iniquo animo à magistratu acceptus, ut, omnibus catholicis timore perculsis, nullum ferè locum invenire potuerim refugii; ac proindè, singulis ferè diebus et noctibus hospitio mutato, ablata est mihi omnis scribendi facultas.

In iis tamen angustiis ad reverendum dominum, D. Georgium Blackwellum, scripsi, [et] literis meis copiam brevis inclusam transmisi; quarum exemplar, sicut et illarum quas ad cunctos sacerdotes sæculares direxi, jam ad celsitudinem vestram cum istis deferendum curavi. Viso brevi, multò moderatiùs se habuit quàm solebat; ipso tamen et D. Charnoco parùm ad illud obstupefactis.

Exemplar illud, manu meâ triumque aliorum sacerdotum, quòd ori-

ginali concordaret, firmatum erat. Ipse quidem initio rem parum detrectabat; affirmabatque juxta formam juris haud licitè præfatum exemplar propalatum fuisse. At diù in luto illo non hæsit. Quid verò facturus sit nondùm adhuc cognoscitur.

En tamen mira judicia Dei. Hoc eodem tempore, die nempe ante receptum breve, sacerdos unus terrore perterritus defecit, ac juramentum non sine magno scandalo præstitit: alius verò[1] usque ad sententiam mortis illud ipsum fortiter pernegavit, et decimo Aprilis mortem ipsam corporisque sui dilaniationem constantissimè pertulit, ne uno quidem ex plebe juxta morem ei maledicente.

Tantâ sævitiâ prævalente, opus habemus multâ compassione ac precibus. Nec solùm Londini istum in modum furiunt hæretici; sed paulò antè etiam simile quid Eboraci perpetrarunt: nam et ibi sacerdotem, nomine adhuc incognitum, pro juramenti negatione interfecerunt.[2]

De assistentium electione nihil certi adhuc referre possum: eos tantùm, quos in officio laudabiliter se exercuisse reperi, confirmare visum est, per literas ad unumquemque datas. Duo desiderantur, quos tamen eligere majore opus est deliberatione; non enim possumus adhuc sine periculo convenire. Quamprimùm autem electi fuerint, ut literis suis quo animo sint ad acceptandum hujusmodi officium tibi significent eos admonebo. Datum Londini, 13 Aprilis 1608.

Amplitudinis vestræ observantissimus,

Geo. B.

*** *Birkhead to the Priests in the Clink, May* 2, 1608.

[Copy in my possession.]

Most dearly beloved brethren,

Whereas I have always desired to live without molesting or offending others, it cannot be but a wonderful corrosive sorrow and grief unto me, that, against mine own inclination, I am forced, as you have seen by the breve itself, to prescribe a certain time for such as do find themselves to have been contrary to the points which are touched in the said breve, concerning the oath and going to church, that they may thereby return and conform themselves to the doctrine declared by his holiness, both in this and the other former breves. And therefore, now, by this present, I do give notice unto you all, that the time, which I prefix and prescribe for that purpose, is the space of two months next ensuing, after the knowledge of this my admonition; within which

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1 [George Gervase.—*T.*]

2 [ Matthew Flathers, executed March 21, 1608.—*T.*]

time, such as shall forbear to take, or allow any more, the oath or going to church, I shall most willingly accept their doing therein: yet signifying unto you withal, that such as do not, within this time prescribed, give this satisfaction, I must, though much against my will, for fulfilling his holiness's commandment, deprive them, and denounce them to be deprived, of all their faculties and privileges, granted by the see apostolic, or by any other by authority thereof, unto them or to any of them, and so, by this present, do denounce; hoping that there is no man will be so wilful or disobedient to his holiness's order, but will conform himself, as becometh an obedient child of the catholic church. And so, most heartily wishing this conformity in us all, and that we may live and labour together *unanimes in domo Domini*, I pray God give us the grace to effect that in our actions, whereunto we are by our order and profession obliged. This second of May, 1608.

Your servant in Christ,

George Birkhead,

Archpriest of England and Protonotary Apostolical.

## No. XXXIII.—(*Referred to at page* 77.)

*** *Birkhead, under the name of Salvin, to his agent at Rome, Dr. Smith, May* 16, 1609.

[Extract from the original, in my possession.]

Good Mr. Doctor,

This is now the third that I have written unto you, hoping that you have received them all, and much desiring to understand of your safe arrival and welcome at that place.

* * * *

I have been moved by some friends here to declare those of the Clink to have lost their faculties: but I think I did enough in my admonition; and you know how unwilling I am to deal any further with them, because of the danger that may ensue to others and myself. The more facile and less odious way were, to have it done there. Wherefore, I pray you, as occasion serveth you, confer with my friends there, and inform our superiors how the case standeth with them.[1] What

[1] [In consequence of these instructions, Smith addressed a memorial to the pope, explaining the difficulties of the case, and imploring him to relieve the archpriest from the performance of a duty, which *could* be productive of little good, and *might* be followed by the most injurious consequences. "Et questa sospitione di detto archiprete nasce d' haver visto quanto crebbe la persecutione contro li cattolici, al tempo che furono mandati li brevi contro detto giuramento. Se hora esso procedessi contro quelli che hanno fatto detto giuramento, senza dubbio che li heretici, et pseudo-episcopi, et il stesso re lo saperiano, et

Mr. Blackwell doth I know not; but it is told me that the rest do hold themselves innocent, and free from the loss of their faculties: and Dr. Tempest, though he hath divers times sent me word of conformity, yet doubleth more, methinks, than I could wish. Notwithstanding, he is the best of them all. I would gladly be directed how to behave myself in their case; for the exercising of their faculties breedeth much scandal, in those especially that think they have lost them.

The king's book was once out, and called in again; but is now daily expected to be set forth, with somewhat left out.[1] When you see it, I make no doubt but that you will judge both it and others of the same kind to be worthy of answer, so the answers be made without any exasperating or biting style. * * * And so I bid you farewell, this 16th of May, 1609. Your assured friend,

GEO. SALVIN.

*** *The same to the same; June* 5, 1609.

[Extract from the original, in my possession.]

My very good Sir,

Yours of the third of April, from Paris, I received the third of June. * * * * I am glad that Signor Ubaldino received my letters so courteously. Before yours came to me, I had one from him, wherein he signified your being there, and that he dissuaded you from going on; but, upon your promise, that you would concur with father Persons, was content to commend you to Cardinal Borghesi, his holiness's nephew.

* * * *

His majesty's book is published again; and they say that Barlow, bishop of Lincoln, hath set forth another. When you see them, I believe that you will think they give just occasion of reply. Dr. Bishop hath written against Dr. Abbot's, to very good purpose, and well liked

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moveriano una nuova persecutione contro esso, et contro quelli cattolici che con le loro limosine lo mantengono, et contro tutti li cattolici" (MS. in my possession). However, the appeal seems to have been in vain. Writing to Smith in the following October, Birkhead feelingly says,—"You write that a letter is come unto me from Bianchetti, about the Clinkers; but I hear not of it as yet. I desire to have had no more doings in that kind; but they care not how many thorns they thrust into other men's heels, being out of gunshot themselves. Howbeit, when it cometh, I trust in God to do my duty therein." Original in my possession.—*T.*]

1 [He alludes to the "Apologie for the oath of allegiance," with the "Premonition." The omissions consisted in the suppression or qualification of the more offensive epithets employed against the pope. In the original, he was represented as Antichrist: in the corrected edition, he was still Antichrist, but only inasmuch as he aspired to temporal dominion.—*T.*]

of every one.[1] It is thought that Mr. Roberts, the benedictine, shall go to the pot, being removed from the Gatehouse to Newgate.[2] Our enemies bear hard hand upon us still;—God give us patience to the end! I am much questioned, with our friends abroad, about them in the Clink, whether they have lost their faculties or no. I could wish some perfect resolution were sent from thence; for I have no mind to meddle with them, in the case they stand. And so, with hearty commendations from all your friends here, I pray God to send you good success in all your doings. This 5th of June 1609.

*** *The same to the same; June* 18, 1610.

[Extract from the original, in my possession.]

My worshipful good Sir,

* * * * Here with us things never went so hardly. The upper and lower house of the parliament, all the counsellors, all judges, all lawyers and the inns of court have taken the oath; and it is most like to be offered to all catholics, which will hazard all their estates. Many, I am assured, will refuse it, to the loss of their goods, and perpetual prison: but others, who are far more, are disposed to take it with a limitation; because the king saith he demandeth nothing else but allegiance. It is necessary you declare our perplexity to the Inquisition, and to know whether it may be taken with that limitation. There is like to fall out a great schism amongst us about that point, if it be not speedily prevented. * * * * Michael Walpole is already banished, and father Preston is like to follow him shortly; and what will become of us all God knoweth, unto whose holy providence I commend you, with many salutations from all your friends. This 18th day of June 1610. Yours ever,

GEORGE SALVIN.

*** *The same to Father Robert Jones, Superior of the Jesuits; June* 24, 1610.

[Original draft in my possession.]

My reverend Sir,

I cannot but most kindly accept of your charitable advertisement; perceiving thereby your great love and affection both to me and mine.

[1] [Abbot's work was a Defence of a book, written by the apostate jesuit, Perkins, under the title of "The Reformed Catholic." Bishop's reply was called "A Reproof of Dr. Abbot's Defence of the Catholic Deformed." To this Abbot opposed his "Counterproof;" and Bishop again attacked his adversary in a work which he quaintly named, "A Disproof of Dr. Abbot's Counterproof, against Dr. Bishop's Reproof of the Defence of Perkins," &c.—*T.*]

[2] [Roberts, however, escaped on this occasion with his life; but was apprehended again, and executed, at the end of the following year.—*T.*]

If, at any time, it may be my hap to use the like friendly concurrence with you and yours, I shall be glad to put it in practice; and so much the more, for that it was the last request which my old friend,[1] in his last farewell, did make unto me. I make no doubt of your sincerity herein: but I could be glad to know what catholics they be that charge my company with so great a crime; for then I hope, upon notice thereof, I could give a great guess who those most grave and learned of the clergy are, which are so prone to allow the taking of the oath. The especial point in my commission is about the said oath and going to church: and, for according of inconveniences about the same, I first gave out my admonition, which I think still to be *valida*, how little account soever is made thereof; and then I sent to my assistants my general letters, to prohibit the taking of the said oath; and lastly, have often both written in private unto them about that matter, and have divers times conferred with them in particular how much we were obliged to persuade all catholics to renounce it; wherein they all, with many protestations, have seemed to be of mine opinion. Wherefore it seemeth strange to me that many, if not the most, of the "most grave and learned of my clergy" should be so affected now to a thing so gross and palpable. I know that these reports hath been bruited long since, not only here, but in the far place also;[2] and thereupon have charged some of my gravest friends, who, being moved therewith, return me no other answer, but that they wonder that any man should be so conscienceless, as to feed himself with such imaginations. I pray God, therefore, to dispose those foresaid catholics to discover unto me the said "most grave and learned of the clergy:" I should then make no other account of them than I do of the Clinkers and their crew; that is, I would leave them to higher power to be censured; because, in these doleful times, the discipline that cometh from me will bear no sway. Howbeit, I mean to embrace your good counsel and grave advice, and will do what lieth in me to make all my assistants careful in a business of such importance. Your reverence saith well, it may be true indeed that, for the colouring and cloaking of their own frailties, in these times of distress, men are prone enough to father such things upon their spiritual guides: but I most humbly beseech Almighty God to remove all such impediments; for otherwise, the desired peace and concord, which I have so much laboured for in my simplicity, will never be well effected. I have no more to say; but

[1] [Father Persons, who died in the preceding April. The letter in which this request was contained, as well as some curious correspondence connected with it, will be printed hereafter in Persons' life.—*T.*]

[2] [Rome.—*T.*]

wish with all my heart that both you and we may jointly concur *in unitate spiritûs*, to the avoiding of these dangerous events, and strict observation of the obedience we owe, as christians, to our highest pastor on earth. Your kindness to my friend is not lost; for he recommendeth himself unto you with all affection. And so I leave you to God, this 24th of June 1610.[1]

*** *The same to Dr. Smith; July* 2, 1610.

[Extract from the original, in my possession.]

My very good Sir,

* * * * This new oath is so pressed by the king, that it causeth many to stagger: yea, even such of the laity as much disliked it before, now they would take it with a limitation, or protestation; but I have told them his holiness mindeth no such thing. Few of mine, I trust,

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[1] [In a note written to Thomas More, his agent in Rome, and dated December 6, 1610, Birkhead again speaks of the charge alluded to in the present letter. "You will not believe," says he, "what calumniations are given forth, both here and in the Low Countries. It is said with open mouth that he" (Dr. Smith, who had been acting as Birkhead's agent at Rome) "hath done nothing but by direction from the king and council: and it is strange to see how gladly they would lay the imputation of taking the oath by protestation upon some of mine, whereas more of the best learned of their own company fail as much in that as they" (Original in my possession). In another, written in the following month, he adds,—"For any public annoyance on our parts, I cannot learn of any: but others can, both in public and private, denounce my brethren throughout the world to be busy and turbulent fellows" (Original in my possession). In the following March, he again returns to the subject:—"In this matter of the oath," says he, "all is like to run on wheels; every man inclined to take it in their own sense, when it is offered, rather than to hazard their estate. I write abroad, I exhort, I admonish, but all will not serve. As many of the religious as of mine are thought to be of that opinion. I am told by letter from a friend that Thomas Frogmorton (Throckmorton) the great hath of late swallowed up the oath before the justices; and that Mr. Lister, a chief jesuit, hath given him advice to do it: and a certain lady, whose name I could tell you, is ready upon his opinion to do the like. Notwithstanding all this, the greatest part of mine are very constant, and ready to lose their lives before they will take it. In Newgate are, at this present, twenty-eight prisoners, whereof eleven are secular priests, all most constant, and most inclining to adventure their lives" (Original in my possession).

Addressing the same person, on another occasion, Birkhead thus speaks of the present letter, and of the correspondence with which it is connected:—"If the copy of a letter of mine to father Jones chance to come unto you, as I hear it is like to do, from Paris, I pray you be not over hasty to communicate it unto others: for the letters, which we have written one to another, were written in private between ourselves. Yet, if you hear of father Jones's letters dispersed, then you may be the bolder; and if need be, but for tediousness of the carriage, I can send you the copies of more: but I am loath to do it, for fear our superiors should think that the quarrel is greater between us than it is." Original, in my possession.—*T.*]

will join with them, though father Jones hath advertised me that it is supposed that the gravest and most learned of the clergy seem to incline thereunto; which is not true; but, on the contrary, I rather find that the principal men, which insist upon such evasions, are those that are most addicted to the fathers. Here is like to be much ado; for the matter of the oath is made a case of conscience, some holding one way, and some another. For my part, I will stand to the literal observation of his holiness's breves, as of late I have been commanded. Outwardly, as yet, we are in good peace both with ourselves and our other friends. I fear the diversity of opinions about this matter may breed some quarrel amongst us. * * * * Mr. Colleton hath refused the oath, and therefore must either be banished, or lie still in prison. A great number are already banished, and many more like to be. Others not yet apprehended are driven to keep close; and yet no secret place will now serve, the pursuivants are so cunning. I am told that Mr. John Bennet and Mr. Haines are now apprehended in the west. We are like to be left in a pitiful case, if no prince abroad will labour to make our peace. * * * * Our Lord Jesus defend you and prosper you in your affairs and negotiations. This second of July, 1610.

Your assured friend,

GEORGE SALVIN.

*** *The same to the same; July* 26, 1610.

[Extract from the original, in my possession.]

My reverend Sir,

I wrote unto you not long since at large, of the 20th of July, in answer to yours of the ninth of May, and seventh of June; and, since that time, I have received one again from you of the nineteenth of June, to the same effect almost, and therefore my answer will serve for all.

* * * *

Thus, as followeth, one of good intelligence writeth unto me. "To descend now to another matter" (having related unto [me] his troubles), "I am dealt withal to be a mean and spur unto you for writing unto "his holiness, that it would please him of his fatherly compassion, upon "the increasing miseries in our country, to make and direct a breve "unto you to publish, wherein he would expressly and most strictly "command all catholics of the realm, both laics and ecclesiastics, under "censure of excommunication ipso facto to be incurred, neither to "confederate, plot, consent to, or execute any violence, hurt, or prejudice, against his majesty's person; but they all should carry themselves in all temporal and civil affairs [with] fidelity and allegiance,

"as it becometh good and obedient subjects, to their lawful and un-
"doubted sovereign, &c. If such a breve would be procured from his
"holiness (as truly, in my own judgment, I can apprehend nothing
"which worthily should make the suit difficult), there is great hope,
"and not ungrounded, conceived of much ease and mitigation of
"pressures to follow to the body of catholics thereby. It would stop
"the mouths of many adversaries that now inveigh bitterly: yea, it
"would, as I am borne in hand, very much lessen, and perhaps wholly
"avoid and secure his majesty of the fears that now disquiet him, lest
"some villainous and traitorous attempt may be intended against him,
"as of late there was, in most outrageous manner, against the person of
"the king of France, and his predecessor before him. You may believe
"I write not this of my own head, nor by setting on of any young,
"vulgar, or injudicious person. I misdoubt not but that you will take
"pains and the advice of friends with you, about the inducing reasons
"of such a breve; and the present state of matters yield great store.
"Whatsoever the success shall happen to be, yet the soliciting of such
"a breve by you cannot but purchase you extraordinary favour, and
"derive good to your best friends for your sake."

Thus far the said friend. For my own part, I think no catholic would be sorry if such a breve were obtained. The pressures which they daily suffer and stand in fear of, concerning the oath, do make them desirous of any ease. But I refer all to the wisdom of his holiness, and of that renowned apostolical see. I could be glad to have some answer unto this suit, because thereby it might be discerned that I had proposed the same. * * * It is strange to hear the reports against us, both in England and in Flanders. But I remit all to God, who ever preserve and defend you. This 26th of July, 1610.

Your assured friend,

GEO. SALVIN.

### **** *The same to More. May* 3, 1611.

[Original in my possession.]

My very good Sir,

I send you here enclosed two letters from Mr. Mush, one to yourself, the other to the cardinal of Arrigoni, which you may deliver as you see cause. He speaketh home, after his plain and blunt manner; but whether it will do good or no, I know not.

I hope you have received sundry letters from myself, since yours came to my hands, as also to Monsig^r^ Vives, and to the bishop of Armagh. Our perplexities do daily grow so great, that you may not

expect so frequent correspondence from me. We are now in some great fears, and I am forced into other countries, where no man is permitted to bring me letter or message. London was never so ticklish. The pursuivants, by apprehending priests and catholics, are grown so rich, that they hire spies to serve their turn; insomuch that there is not an host, chamberlain, or ostler, which is not ready to inform them of the behaviour of their guests. If they see a man modest and civil, it is enough to set the pursuivant upon him, who finding him to be catholic, they begin to examine, and to threaten to carry him to the bishop of Canterbury, to take the oath; which terrifieth men so much that they yield to some composition; and so it cometh to pass that these catchpoles are become exceeding rich. Not long since, one Mr. John Floyd was thus taken; but it cost him an hundred pounds to escape: and now, the other day, in Thames Street, Atkinson met him, and it cost him again forty or fifty pounds. A little before, they secured the younger Brough in like sort, and under forty pounds he could not escape. Do you not see what danger it is to go to London? and what end can we expect of this proceeding, so long as they can fill their purses thus? All this I say, because I would neither have you to marvel nor be dismayed, if I send you not so many letters as you expect: for even those men, that we most use for this purpose, are in this danger also, if they do not conform themselves to the time.

This book of Sheldon's, and Barclay's translated into English cause many to stagger about the oath.[1] There must be some comfort given from thence, for the better corroborating of our minds, or, I assure you, a number will find and pick out of the said books odd distinctions, to qualify the taking of the oath: for I am told that not only some few of mine, but also of the jesuits and benedictines, are ready enough to approve the said qualifications, as Mr. Mush writeth to me; notwithstanding I have often admonished mine to adventure upon no such

[1] [Birkhead, writing to his present correspondent on the 17th of the preceding March, thus speaks of Richard Sheldon:—"One Gervaise, alias Sheldon, whom I dare say you know, returning of late from beyond [seas], was caught and carried to the Clink, where he is as hot for the taking of the oath, as any of them all. It is said that he will set forth a book shortly, in defence of his opinion: but Mr. Blackwell utterly condemneth it, and saith it will prejudice their cause very much" (Original, in my possession). Sheldon was a clergyman: but he seems already to have been suspected by his brethren; and he soon after verified their suspicions by deserting his religion. His work on the subject of the oath was entitled "General Reasons, proving the lawfulness of the Oath of Allegiance." London, 1611, 4to. He was the author also of some other publications, among which was "Motives which caused him to renounce Popery." Lond. 1612, 4to.

Barclay will be mentioned in the biographical part of this history. The work, to which Birkhead here alludes, was the posthumous treatise, "De Potestate Papæ, quatenùs in Reges et Principes sæculares jus et imperium habeat." Francf. 1609.—*T.*]

shifts, *inconsulto summo pontifice,* who hath already absolutely rejected and disproved the said oath. I would to God some order were taken from thence, to yield us consolation. The oath they confess to be forbidden by the breves; but they say, to take it with reflecting their intention only upon that part which concerneth our temporal allegiance to the king, is not forbidden. It were a great help to me, if I could directly express his holiness's will, in such kind of cases as these; for then we should not be left in the suds, as we are. I have sundry times moved the nuncio at Paris about this point, and he hath often promised to consult with his holiness, and to send me word of his resolution; but hitherto I hear nothing as yet. I know they would advise me to stand to the breves; and so, God willing, I mean to do: but if I might have further help in these particular cases, I should be better able to stand for the see apostolic. I understand that Blanchetti[1] hath said that such qualifications would never be approved there in that see: but yet perhaps such they might be, as that they might be winked at. If our superiors may be drawn to wink at such doings, then would I fain know how far we here might proceed, without the offence of God and the holy see. *Nisi nobis relinquatur semen, breviter facti erimus sicut Sodoma et Gomorrha.* Forget not, I pray you, to remember us in these our perplexities: we never had more need. And so, leaving you to God's holy providence, *et verbo gratiæ ejus,* I bid you farewell, this third of May, 1611. Your assured friend,

GEO. SALVIN.

You may procure Mr. Mush's letter to be fair written out, and keep the original, if any question should be made thereof.[2]

*** *The same to the same. May* 30, 1611.

[Original in my possession.]

My reverend and very good sir,

The last I have received of yours was dated the 26th of March; also all your other I had received before. * * * * Our persecution here proceedeth roundly against us. The oath is more and more exacted: no man reputed a good subject that refuseth. Sheldon's book worketh great harm amongst the unlearned. This bishop of Canterbury is most hot in pursuing us: it is said that, by his means, the lord Montague was of late commanded to appear before the council. If he had gone,

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[1] [Laurence Blanchetti, or Bianchetti, cardinal priest of the title of St. Laurence *in Pane et Perna.—T.*]

[2] [This is mentioned again in the following letter. It was a long and eloquent address to cardinal Arrigoni, on the state of the English church, and on the mischiefs and miseries produced by the want of bishops. Original, in my possession.—*T.*]

we doubt most probable it is that they would have ministered the oath unto him, which, for certain, all men think, he would have refused, albeit as ready as any man to swear unto all points, whatsoever belong to temporal allegiance. But see God's providence towards him. Even at the same time, as it is said, that the pursuivant was addressed unto him, he fell into a tertian fever, which shrewdly handled him for eight or nine fits, as they say; which being advertised to the council, they advised him to stay till he was amended: in which mean space, some of his industrious friends so dealt in his behalf, as that yet he remaineth at home, with no small hope of some ease, by way of composition, which, you may be sure, will cost him well.

In Newgate are thirteen or fourteen priests, and in the Clink six; all which refuse the oath: the other six in the Clink, you know, are otherwise minded. Of late were apprehended in Wiltshire one Harry Mayo [Mayhew] and one Mr. Francis Kenyon. Mr. Mayo denied the oath directly; and for saying it was absurd, and that no christian could take it, the bishop told him he deserved to be hanged: and he replying that he was most willing to die for such a cause, the bishop sent him close prisoner to Newgate. Mr. Kenyon, answering in the bishop's conceit more moderately, was sent to the Clink. Mr. John Perkins also, alias Jennings, was apprehended about the same time, and, refusing the oath, was sent to Newgate. Lastly, Mr. Dr. Bishop having prepared himself to pass over the seas, about the erecting of the house you know of at Paris,[1] at London where he meant not to stay more than a day or two, he was betrayed by some back friends, and taken by Bray and other pursuivants. They would not let him escape under an hundred pound; but it was too great a sum, and therefore he fell into the hands of the new bishop of Canterbury, against whose brother he had written. The bishop, notwithstanding, used him with no great rigour. Being examined about the oath, he refused the parliament oath directly; giving many sufficient reasons why it ought not to be taken, which the bishop confessed to be the best he had heard for the denial thereof;[2] and, furthermore, he offered to swear to his majesty all the temporal allegiance that can be exacted of any christian subject: which being told the king, his majesty affirmed his answer to

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[1] [An establishment, which I have elsewhere noticed, for the maintenance of an efficient body of controversial writers.—*T.*]

[2] [They may have been the best, but, at the present day, they assuredly are not satisfactory. Bishop's own account of this interview will hereafter be given in his life: in the mean time, the reader, who may be curious to see his objections to the oath, will find them in Mr. Butler's Memoirs of English Catholics, ii. 202. Third Edit.—*T.*]

please him well. But his enemies devising other calumniations, he found no other favour but to be sent free prisoner to the Gatehouse, where he remaineth with much credit amongst catholics for his absolute answer against the oath; yet not without hope of being shortly banished. This is the information that hath been given to me concerning him.

According as you once required me, I wrote, in some of my letters to you, a letter to Monsignore Vives, which I trust you have delivered unto him long since: and having now found out by chance another way, I have adventured to write these enclosed, which I pray you deliver at your best opportunity. Cardinal Arrigoni, the secretary, as you term him, of the holy office, of late was commanded by his holiness to will a certain Spaniard, remaining in bonds, to signify unto me, that, for answer to all the forms of qualification, invented by our catholics for taking the oath, which I sent, at sundry times, by you and others, unto him, he commandeth me to reject all such interpretations, and to instruct the catholics that they must absolutely refuse the oath, and adhere to the breve, which he hath published: all which I have done heretofore; but now that I see it to be his holiness's determination, I shall do it with more alacrity.

Now, sir, as for that you urge continually this point, that we here must help ourselves, and that you are ready to deliver up whatsoever we send, I assure you we have little courage to demand any thing; for some others, whom I know not, find in that court so much favour, as that all which we do inform beareth no credit, reapeth no fruit, bringeth us no comfort, but is wholly suppressed or rejected, to the great discouragement of the greatest part of those which are subject to me. Howbeit, I leave all to God, and am not, for all this, dismayed; and therefore have sent you of late, by the way of Brussels, a long letter from Mr. Mush to cardinal Arrigoni, which I leave to your discretion for the delivery; for his doing of late, about the oath, being not well accepted by a number of catholics here in this land, may hap to breed, by information of others, some ill disposition in the cardinal, not to give any ear to that which he writeth. I have now, moreover, at this time, sent you, of myself, what I think requisite to be considered in our regiment. You may deliver them with my letter to his holiness, if you think it expedient. Surely, I would omit nothing that might help the erection of our dejected clergy. If I cannot be heard of them that are to give us comfort, what remedy but patience? I will not, for all that, be discouraged; hoping that our merciful God will, in good time, remove all impediments, and give us grace to be penitent for those our sins and offences, which now he revengeth.

Here is no great jars amongst us outwardly: how men do carry

themselves underhand is known to God and themselves, but not to me. I endeavour to keep all mine in peace with all men; yet much ado I find, because some are now of late of such strange behaviour in their conversation, that many of my brethren make great complaints unto me thereof.

In my note you shall find that I write to have some ordinary jurisdiction established amongst us: this which I have they utterly contemn; and Sheldon hath published in his book that, if I suspend, or take away any man's faculties, no man need to regard it. For myself also, I could wish that any other were placed in my office; for I now grow old, and many infirmities befall me, and my weakness is such, as I am not able to travel from place to place, but for a fit; which, notwithstanding, is most requisite in him that hath such a charge as is committed to me.

I took great unkindness at the Italian benedictines, for denying to send our letters, and much more at Mr. Beach, for yielding to the humour of others against our proceedings, having received so much kindness of me, as he cannot be forgetful thereof. But most of all it grieveth me, that the procurator-general should write to father Preston, that, if he conveyed in his packet any letters to you, he would burn the whole packet. Yet, for all this, I mean to make no quarrel against them, but will always use them as charity bindeth me. Those benedictines of Spain deal far more sincerely with us. Father White hath assured both me and Mr. Farrington,[1] at his being here, to join most unfeignedly with us, and to help us by all means possible; and now of late hath written unto me, that he hath told their procurator at Rome how necessary [it is] for themselves to favour our doings for the clergy, and hath moved him to visit you, of purpose to confer upon these matters; which course is exceeding pleasing to me, because I know the abbots of Spain are wise and stout, and may give us great aid. I pray you give him the most courteous entertainment you can. I am now weary. Be content with this; and though you hear not so often from me as you desire, yet think that I do not forget you nor our cause, albeit my case is more difficult than you imagine. And so with my hearty commendations, and from all your friends, I commit myself to your best devotions, and leave you to God's most holy protection, this 30th of May, 1611. Your loving friend,

GEO. SALVIN.

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[1] [The assumed name of Edward Bennet, one of the archpriest's assistants.—*T.*]

*** *John Nelson (one of the Assistants) to More; June* 8, 1611.

[Original in my possession.]

Reverend and beloved Sir,

I received yours of the 25th of April yesterday, the seventh of June. When I had read mine, I sent it to Mr. Colleton, with yours to him, that he might read both; and withal solicited by letters, twice within the space of two hours, that he would write by this means which I provided. When the messenger returned from him, I sent them both to be read by a friend of mine, now *vinctus in Domino* in Newgate, whom I have a long time solicited to write unto you. You shall hear from him with these.

I had but newly sealed a letter for Mr. Champney, when I received yours, and enclosed one therein for you to deliver, with eight or nine subscriptions. Though more consented unto it, yet, in regard of difficulties, we cannot come to them; for all that have subscribed, but myself, are *vincti in Domino*, or else we could not have got theirs: of which difficulty you may do well to inform them.[1] The letter was written almost twelve months ago. I intend to send another copy by Mr. Pett, that, if one fail, the other may come safe.

Whatsoever others inform, I do assure you afflictions are many and great, but most under colour of the oath of allegiance, about which there came forth a new proclamation three days ago, to command all in office, from the highest to the lowest, to tender it to all, without exception, above fifteen (*eighteen*) years, as I take it; pretending only the temporal safety of the king and state: and I have now a proclamation before me, of the sixth year of the king his reign, wherein are these words,—" Considering that we had never any intention, in the form of the oath, to press any point of conscience for matter of religion, but only to make some discovery of disloyal affection," &c. These and the like being delivered to princes abroad, by such their ambassadors and others as come over, make our cause the less regarded and as little pitied. A nobleman of France was here of late, Monsieur de Vitry, and, at his going away, the king showed him a copy of the oath, adding that he only desired that; and the other seemed to soothe him, and in effect to say, that, if that were all, he saw not why they should refuse it. Likewise the ambassador of Venice, who came lately from France, told Mr. Preston that divers cardinals, amongst others Monsieur Peron, and Monsieur Joyeux, and the pope's nuncio at Paris,

1 [He alludes to the subscriptions of the clergy, in behalf of the appointment of bishops; a subject which is mentioned in another part of this volume.—*T.*]

said to him that the point of deposition was a thing indifferent, and that either opinion might be holden. I know many replies to all these; yet you must think that they and the like work strangely with many men, and breed great diversities and perplexities. If the jesuits be thought there clear from giving way (I speak sparingly) to the taking of it, I think they have wrong. *Sed norunt uti foro.* I could gladly have known what it had been that you dislike in that resolution of Mr. Mush. Is there any thing against the pope his brief? Nay, doth he not say that it cannot be lawfully taken? and that the way he proposes is only his opinion, delivered when it was demanded by such as expected satisfaction from him? and that he is ready to renounce [it], if it be not good?[1] What would you have more, unless it be unlawful to give them any reasonable satisfaction, which I know you will not dislike? When Mr. Swift, at his coming back, told a cardinal in Rome in what sense he had taken the oath here, the cardinal, as it was reported, did not dislike it; and men stick not to say, that none of them all would lose lands or liberty for it, if the case were theirs: and many say that they see not why they should lose their lands and goods for an oath, which no man will take pen in hand, at home or abroad, to defend. And it is marvelled that no answer is yet forth to the substance of the bishop's book, concerning the oath; and the rather, for that Andreas Eudœmon Joannes doth twice, in his velitation, affirm that therein is denied the pope his power to excommunicate: and yet he could not be ignorant that the bishop hath answered that point in "Tortus," to omit that all, that I know here, held it *pro explorato errore in Torto.*[2] These and the like do discredit them in other matters, and make some think that they deal not with that sincerity, which men should do in the like weighty matter. Do not think that I have any intention by this to patronise the taking of the oath: but my end is only to inform you how matters stand, which yet I do very sparingly.

I sent a letter of Dr. Bishop to you by Mr. Pett, fourteen days ago, where he gives you some satisfaction concerning that point of Mr. Cadwallador.[3] I would willingly that the pope were acquainted with one thing, which I would propose if I were with you. I would impart

[1] [Mush's opinion, here alluded to, will be found in page clxxviii. post.—*T.*]

[2] [The "bishop's book" was the "Tortura Torti," written by Andrews, bishop of Chichester, in reply to Bellarmine's work, published under the name of Mattheus Tortus. Bellarmine's assertion, that "in the oath of allegiance the pope's power to excommunicate even heretical princes is openly denied" (Tortus, p. 9), is shewn to be untrue, not only by Andrews (Tortura Torti, 38), but also by king James, in the "Catalogue of Tortus' lies," printed at the end of his Premonition.—*T.*]

[3] [This letter will be printed in Cadwallador's life.—*T.*]

it upon conditions; but I cannot by letters. If I thought they would come safely to his own hand, I would write to him myself; but I fear they will be opened, or, at the least, after he have read them, others get them; which I must in no case hazard. Are they desirous there that religion should increase amongst us? and do they there think that the people, especially *adversarii fidei*, will esteem reverently of priests, whom they see neglected and contemned there?—How see they this?—Marry, because, notwithstanding so many journeys, so much charge, so reasonable requests, yet they never had the grant of any one! What is contempt, if this be not?—This is the voice of others, delivered only by my pen, and in haste.

I suppose the book, under Mr. Widdrington his name, is come thither before this.[1] I prayed that Bellarmine might live to see and read it, and reply in one kind or other thereunto. It pleased our king so much, as that he said they all could not so sufficiently defend him. He said it was another's book, who is in prison; and being asked why then he did keep him prisoner?—"Of my saul," said he, "for his awne gude; for, if they had him, they wold burne him."—It is pity he should think so of them: it lies in their power to take away that imputation.

We never heard of that Augustine you speak of: but here are strange reports of two of those that had defended the Venetians, and came after to Rome;—you know whom I mean. Do us the favour to let us know what it was that was disliked in Becanus: such instructions do us good. If there go any reports of the secular priests' general or secret allowance of the oath, or of such treatises as are come over about it, you may well and truly check them with this:—bid them show you where any, either lay or ecclesiastics, have suffered so much for it, as they and their friends. What one friend to the Theatines hath lost any thing for it?—If we should seek records, we should be able to show with what partiality matters are carried with you, where *they* are thought so clear, and *we* so faulty.

I write this letter in haste. If we had a good and direct means of sending, I would once in ten days, and do it with greater leisure. We all rest bound to you for your pains and care. I do particularly rejoice of your being there, because I can be more confident with you, in regard of our former acquaintance, than with any of that side the sea, Mr. Champney excepted. Fare you well, my beloved and reverend father, and remember your poor but sincere friend, at those good places. 8 January 1611. NELSON.

[1] [The work here alluded to was called "Apologia Cardinalis Bellarmini pro Jure Principum," &c. 4to. 1611.—*T.*]

*** *Birkhead to his Assistants; August* 16, 1611.

[Original draft, in my possession.]

To all my reverend and beloved Assistants.

Whereas Mr. George Blackwell, and divers other priests which are with him in the Clink, namely, Mr. William Warmington, Mr. Anthony Hebburne, Mr. Richard Sheldon, Mr. William Collier, hath, as well in words as in writing, notoriously manifested their opinions about the oath, termed of allegiance, and do yet scandalously persist in their error, contrary to the tenour of that which we are taught in three of his holiness's apostolical breves, These are to inform and certify you, and, by your means, all other our beloved brethren of the catholic clergy and laity also in your circuits, and especially those which have resorted and do resort to the said priests, for use of the sacraments, that I am by his holiness commanded (*omni excusatione postpositâ*), without any farther admonition of the parties delinquent, to declare the above named reverend priests, and all other priests concurring with them, to be deprived of all their faculties: And so, having herein consulted with my reverend assistants, I do now, by this present, denounce and declare the same, to the end that all men may take notice thereof. And so, wishing us all true obedience to Christ Jesus our head, and to his vicars on earth, and fortitude, constancy, and perseverance in the profession of the catholic faith, I leave you to his most holy protection, this 16th of August, 1611.

Your loving friend in Christ,

GEO. BIRKHEAD, Archpriest of England,
and Protonotary Apostolical.

*** *Mush, under the assumed name of Ratcliffe, to More; August* 19, 1611.

[Original in my possession.]

Honoured Sir, and my much respected Friend,

I received yours, written anno Domini 1610, February, the kalends of July 1610; since which I received none from you to myself: yet have I seen some of yours to other our friends. We suffer great difficulty in sending to you and receiving from you: and very often our watchful friends intercept both yours and ours; for they are more vigilant in this evil office than the heretics. They have their hirelings for this purpose in France, Flanders, Italy, and Rome.[1] I wrote to you

1 [Birkhead, writing to More, says, in reference to Mush,—"Believe me, what about his letters, opened long since, and now sent unto you again to be delivered to the highest, and what about this last of Singleton's sent from Portugal, the copy whereof I trust you have by this" (see it in the Appendix, No. XXXIX. post), "he hath been so intemperately tempted, that I have had

about Michaelmas, 1610, touching what I had counselled in the oath; but I know not whether our friends sent it or not, or whether you received it or no. My desire was to certify you of the whole matter, that you might know how to answer for me, against the calumniations of our adversaries, which, I doubted not, would be most diligent to slander and calumniate me, where they had far worse deserved themselves: for their chiefest mean to hinder our good desires and petitions is by defaming us here, but principally where you are. In that business I neither know nor hear as yet, but that I did what may easily be justified, which was this, for perhaps you received not my former:—About Michaelmas, 1610, there was terrible ado about the oath every where; but this persecution, as it ever hath been, was more hot in Yorkshire and the north than elsewhere. And even so it is at this present, by reason of a new proclamation, to tender the oath most diligently to all catholics, without exception or delay. In truth, catholics were never in like terror and frights as then, and are now; neither man nor woman knowing which way to turn them, or how to avoid utter ruin of themselves and posterity. In this woful confusion and desperation, divers of the best catholics in Yorkshire, desirous, by any lawful means, to save themselves both from temporal subversion and spiritual damage of soul, devised ways how they might both satisfy the king in taking an oath of temporal allegiance, and not offend God by any unlawful oath; which, they thought, might be done, if first, before they took the king's oath, they made this protestation,—"I will take this oath so far forth as it concerneth my temporal duty or obedience to the king:" after which they thought they might kneel down and take the oath verbatim. In this matter, they asked father Thomas Stevenson, an old jesuit sent lately from Rome, his opinion, whether they might in conscience take the oath thus, or no. He, as they say, an old, virtuous, and learned jesuit (for I know him not), answered, they might swear thus without sin. Thus, upon his resolution, they stood prepared to swear, when the magistrate called: but, before they were cited to appear, it fortuned that I was sent by Mr. Archpriest into the north, to compound certain scandalous contentions, which Mr. Samuel, a benedictine of the Italian congregation (which we find more troublesome than the Spanish), had raised against some of our most virtuous brethren, Mr. Ogle and Mr. Trollope. Passing by these gentlemen's houses, they propounded this question to me also. My answer was, that I thought they could not lawfully swear with that protesta-

much ado to quiet him. Surely, if such dealing be not left, and if they" (the Jesuits) "will run on still, to endanger so stout a confessor, I shall one day be moved, even against my own inclination, to complain to our supreme pastor for redress of the same." Octob. 3, 1609. Original, in my possession.—*T.*]

tion, and that I thought the jesuit was deceived in his opinion, because the act of swearing to the whole oath verbatim, after that protestation, did contradict and reverse what they had before protested in words; and so their protestation was in vain, for that, after it, they took the whole oath. "What remedy, then?" said they. "God knoweth," quoth I. Then they propounded another invention;—"What if, when the magistrate doth tender us the oath, we pray him that we may hear it read, or that we may privately read it ourselves, without making any sign or show of swearing or reverence at all; and, after we have heard it read, say,—'This oath containeth many difficult points which we do not understand (as, in truth, there be as many divers expositions of every part thereof as there be heads among us); but to so much of it only, as doth truly concern our temporal allegiance to the king, we will and do swear sincerely and willingly:'—and without more ado, kneel down and lay our hand upon the book?"—To this my answer was (salvo sanctissimi domini nostri judicio), that I thought it might be lawfully done; because, in this manner, they took not the oath verbatim, nor no more thereof, but so much only, in general terms, as concerned mere temporal allegiance.[1] And, if the magistrate would yet descend to particulars, and ask what the points were which they meant of, then I told them,—1°. That they should specify that they acknowledged him to be their lawful king; 2°. That they would keep faith and true allegiance to him; 3°. That they would defend him against all his enemies; 4°. That they would discover all treasons, &c. My reason for approving this manner was, because, by these general terms, they swear only temporal allegiance, and, by that exclude all other matters contained in the oath: And I told them that surely the magistrate would say that, swearing only thus, they excluded all points in the oath which concerned the pope's authority, and would never admit them thus to swear: so that no harm is come of my advice, suppose it had been unlawful. Yet, not standing upon my own judgment herein, I propounded the case to many of the secular and religious, and the most of them were of my opinion. I ever condemned the whole oath, and have opposed as much against it and the approvers of it, as any in England: and mine own only brother and sister, aged folks almost seventy,

[1] [His answer, which he returned in writing, was as follows:—"In this foresaid manner, I think one may lawfully swear: but if it shall happen, at any time, that his holiness determine otherwise, I will most obediently submit myself, and conform my judgment to his, as all christians ought to do. If this manner will not be admitted by the magistrate, I see no remedy but patiently to suffer what God will permit; for it is grievous sin to take the whole oath, or any other part than what concerneth temporal allegiance.—Per me, Jo. M. Assist. 18 Sept. 1610."—From his own handwriting in my possession.—*T.*]

are condemned to perpetual prison, and have suffered utter shipwreck of lands and goods for refusing this oath; which irreparable damage, peculiar only to them among all catholics of England (for none have suffered loss of all, but only they), I could have averted easily with one word to them, if I had holden, as the jesuits slander me, the oath to be lawful. I perceive by Mr. Nelson, that you have had long that which I set under my hand in this matter (which I purposely did, to prevent all mistaking and calumniating, that I had done worse than I did), and that you feared I know not what, how it would be taken and censured: but of the event I hear nothing at all. This I assure you,—here is great division and variety of opinions about this oath, and sore pressing all to take it. Those fly, that can escape, and appear not: but this much exasperateth the king, and some sharp course is expected, to bring all to the stand. You are happier, you see not these calamities. Paul quite undoeth this poor church, by depriving it of ordinary pastors, by which our Saviour appointed all particular churches to be governed. Verily, here is nothing but most lamentable confusion, debates, and factions among both clergy and people; and every day much worse than other, whiles every one is left to themselves, and none to govern, or to have care of the whole. We are all immediately under Paul. He is far absent; can he then, with safety of his own soul, keep this charge, without sending and appointing some other bishops in his place, to minister necessaries unto so great a people? If he can do this, then surely may he, in like manner, be sole bishop himself over all Europe, and deprive all nations of their ordinary pastors. * * * What can be done against the cliñkers, before their reasons be heard and confuted? If Barclay and Widdrington be not soundly confuted, their books will do much harm in that point. The jesuits report that Paul hath prohibited all here to give the king any oath of temporal allegiance, unless it be first approved at Rome. This scandaliseth all sorts of catholics exceedingly, that he should so little regard our afflictions; for they looked rather his holiness should have sent them a lawful oath of allegiance, which every one might have had in readiness at all assays, and whereby there might have been conformity amongst us, than to forbid a lawful thing, we being in so great extremities, and our means of sending to Rome so little and so difficult, or rather impossible, till all be undone. The axe is over our heads, to fall if we refuse; and we must send to Rome!—Oh! how great care whether we perish or be safe!—But I and other cannot believe his holiness, commanding us to obey him as our king, will forbid to give him an oath of temporal allegiance. Sure, it is some fiction of the religious, to dishonour his holiness and trouble our state: for it is not likely he

would forbid a thing, wherein few or none think themselves bound to obey him:—and thus we are enforced to defend his holiness's honour in this point.

Here be no news, but a continual increase of persecution, and an hourly expectation of greater miseries, about this unfortunate oath: for the time appointed is now at hand. The catholics increase their numbers: the prisons at London are full of priests: great alms are given, but they vanish out of the archpriest's, secular priests', and prisoners' sight. None of us can tell what becometh of them. Some great sums are now and then intercepted, as they pass over; and then the religious will not acknowledge them to be sent by them, though we all think the contrary. God forgive them that will send money out of this poor realm![1] I wish myself many times with you, that we might have an absolute answer, whether Paul will do us any good or no. Remember me to Mr. Nicholas Fitzherbert; and most kindly to yourself I have me recommended, and rest ever your most assured,

19 August, 1611. Ratcliffe.

At the same time, father Nicholas Smith, jesuit, held that the whole oath might be taken with equivocation, because he thought no part of it was against faith. For the clinkers, it is an odious matter for Mr. Archpriest to deal in. It will scandalise much, and breed a greater trouble and schism, if they be any way punished, before their notions be convinced to be evil, their reasons heard and confuted, and they found obstinate and incorrigible.

When I had written thus far, I was called for, to meet our reverend superior, there, with him and other assistants, to consult about pro-

1 [On this subject, we have the following testimony of the archpriest, writing to Dr. Smith, in the preceding year:—"I am informed of so many votive brethren, that, though they bear shew of secular people, yet I find them wholly directed by them to whom they have made their vows: insomuch that I have great cause to suspect that divers of them, being the distributors of the common alms, do nothing but by their direction, and so, by consequence, the alms cometh very sparingly to us. In very truth, I believe they mean to keep us short, only thereby to bridle us: which I collect of one of their words unto me, that said they could find no charity, by reason of our brawling, contentious, and unquiet spirits; and further, that none was admitted to the place where I remain, but factious and passionate fellows. * * * Mr. Colleton sent me word, from the clink, that, amongst other speeches with Mr. Blackwell, he confessed unto him that, all the time of his being in office, all the alms were divided with the fathers; so that they, being but a small number, had as much as we that were the greater. What equality is this? But now, I am afraid, all goeth to them, and nothing to us: and therefore many of mine do grudge and murmur exceedingly. I, fearing we shall get nothing from the more able sort, have given order, by my assistants, as you know, to make collections: but you would marvel to see how even some of my own are sent abroad, to exclaim against that course." April 3, 1610. Original in my possession.—*T.*]

ceeding with the clinkers, according to his holiness's mandatum; which business we have done, as you shall hear. Then, and never before truly, I saw certain letters of yours, touching the calumny raised against me in Rome, of defending or approving the king's oath. By your writing, I perceive much ado is made of it; which I marvel at, considering in express words I condemned, in that note and ever, the taking of the whole oath; and then, in that necessity, gave only my opinion for taking some lawful points in it, till such time as his holiness might be asked his judgment therein, and expressly saying that, if he should not like it, both I would, and all ought, to conform our judgments to his. My opinion was never put in practice, nor ever will. * * I never defended it, but was and still am, most desirous to know what his holiness judgeth of it. His judgment, God willing, shall ever be mine, in this and all others: and therefore you need not doubt of temerity in me, or any the least swerving from the see apostolic. Yet cannot I stay the malice of calumniating tongues. * * A dio,—saving our quarrel, that you forbear to write and admonish me, your old friend, because you are junior. Non sta bene tra noi.

*** *Birkhead to More. October* 6, 1611.

[Extract from the original, in my possession.]

My good sir,

After yours of the fifth of August, came one unto me from you of the sixth of July. * * For those of the Clink, I have done so much as I dare, and more, for contenting some zealous here, than I am enjoined by his holiness's precept. In my other letters I have sent you a copy of that which I wrote to my assistants, as you may perceive by this little note enclosed from the old doctor,[1] who was as hot in the matter as any one else, and is not yet satisfied, because I do not admonish him in particular. But therein he must pardon me; for I am not able to do that, without present danger to myself and my best friends. This other way, in dispersing the notice thereof secretly amongst catholics, will suffice, and will not likewise, as I hope, be so dangerous as you seem to fear: for I have enjoined my assistants to do it with all secrecy, *et sine omni strepitu;* to the end that the state may have less occasion to quarrel with me about it.

Mr. Widdrington's book doth much harm, and they *(it)* shall be printed again at Paris. I will not believe it; but you would marvel if you knew what is put in my head concerning some of Don Anselmo's

[1] [Blackwell.—*T.*]

company,[1] about the helping of him in the composition of his book; for every one thinketh he is not able to pen it himself. I know not what to say, both in that and the taking of the oath. Things are done, and yet carried so closely, as no man can discover the advisers. Mr. Mush is an open man, and dealeth as openly: but some there be, as I have been told, that go beyond him; and yet no man is plainly known, upon whom the accusation can light, unless it be by circumstances yielding much probability thereof. But what the meaning hereof is I know not, unless it be to put the thorn in my foot only, and they to pass on with the reputation of wise and discreet men, in the sight of the world.

* * * * *

Commend me to Mr. Dr. Percy, and tell him, if he say he would have me there, he must give me a long time to deliberate. He knoweth how unfit I am to enter into quarrels. My body is now decayed and much weakened; my mind not fit to conceive nor to utter such speeches, as would be necessary for me to utter when I should come there. The charges also would be overgreat for me to provide, for the furnishing of such a journey: and, if I could provide such a sum of money, to come thither, and spend it, and make a flourish for a time, would make me return with much grief, unless I obtained something, whereof, nevertheless, by the tenour of your letters, I conceive no hope. Yet, I assure you, I esteem it more than necessary that some of our gravest and most sufficient men be sent to assist you in our suit for bishops: otherwise I fear the event will not fall out so grateful.

The exacting of this oath troubleth our neighbours. If they appear before the bishops and justices, and deny it, they are sure to be committed: wherefore, in policy, both justices, bishops, and others, have thought it the best not to appear. But now, they, taking that course, have incurred the crime of contempt, and are sent for by a writ from the council, and are most like to be committed and condemned in the premunire. Some of your friends are in this case; especially your friend Ben.[2] his host. If I could relate unto you the infinite and particular molestations that happen to catholics in this kind, I should never make an end. But I am weary with writing, and therefore desire you to be content with this much; hoping you will not forget our miseries. If any will not believe us to be thus afflicted, I would they were in the

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[1] [The benedictines, of which body father Anselmo, who is mentioned by Reyner as "Father Anselmo of Manchester," was a member. He resided at Rome, and is frequently mentioned, in the correspondence of the clergy, as their friend and advocate.—*T.*]

[2] [Perhaps Edward Bennet, one of Birkhead's assistants, and the correspondent of More.—*T.*]

furnace of fears and dangers with us. You do well to use father rector[1] with courtesy; for, albeit they be of another opinion than we, yet would I have no breach of charity on our parts: only, we may, I hope, be wary and circumspect in managing our own affairs, without any peril of that. I pray you return my hearty commendations to Mr. Nicholas Fitzherbert, and tell him I shall be glad of his help, being so well experienced in that court as he is. Mr. Baker[2] is now at Paris; therefore direct your letters hither no more. Remember my humble duty to the good primate,[3] and to your monsignore, whom I mean to visit sometimes with my letters, as occasion shall be given me. But I repose no trust in those ambassadors, not because they are unwilling to help us, but for that I think they dare not. And so, desiring our Lord Jesus ever to bless you with increase of his grace and happy success in your affairs, I leave you to his holy protection, this 6th of October, 1611.

Your loving friend,

GEO. SALVIN.

I am for certain informed that, this term, Mr. Warmington publisheth a book in the defence of the oath:[4] for it is already given to the bishop of Canterbury, to be perused by the best. It cannot possibly be but that they hear of the loss of their faculties; and yet you see hereby how little they regard it. * * One thing I must add to yourself alone, which is, that I would desire you to learn, if it be possible, whether any censure be given from thence, that some may be favourable in the oath. Their followers make no bones; and I am accounted indiscreet and inconsiderate for being so precise. If his holiness send precepts to me, and others may have advice to the contrary, methinks the dealing in that sort should be judged strange:—but all matters are so closely carried that I can accuse no man. Only, we, that literally stick to our supreme pastor, are reputed fools with some, and the others wise and discreet!

Even now it is written unto me that Mr. Stanford, the assistant, is brought prisoner to the Clink.

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[1] [Father Owen, who succeeded Persons as rector of the English college at Rome, in April, 1610.—*T.*]

[2] [Dr. Smith.—*T.*]

[3] [The archbishop of Armagh, who was then at Rome.—*T.*]

[4] [It was published in the following year, and was entitled "A Moderate Defence of the Oath of Allegiance."—*T.*]

No. XXXIV.—*(Referred to at page* 77.)

*** *A Proclamation for the due execution of all former laws against Recusants, giving them a day to repair to their own dwellings, and not afterwards to come to the court, or within ten miles of London, without special license; and for disarming them, as the law requireth: and withal, that all Priests and Jesuits shall depart the land by a day, no more to return into the realm: and for the ministering of the oath of allegiance according to the law. June* 2, 1610.

[Wilkins, iv. 438.]

Though the principal care, that a religious and wise king ought to have, should be for the maintenance and propagation, by all godly, lawful, and honest means, of the true catholic and christian religion, and, to that effect, as he must plant good seed with the one hand, so to displant and root out with the other, as far as he can, the cockle and tares of heresy, that do ordinarily grow up among the Lord's wheat, yet hath our nature been ever so inclined to clemency,—especially, we have ever been so loath to shed blood in any case that might have any relation to conscience (though but of a deceived and disguised conscience), as, notwithstanding the care and zeal that we have ever carried for the maintenance and propagation of this our ancient and true catholic religion which we profess, yet hath our said natural clemency ever withholden us from putting the law to that due execution against popish priests and recusants, which their evil deserts, at divers times towards us, and their insolent and proud carriage, especially of late, did justly deserve at our hands.

But now that their evil behaviour at home, manifested first by the priests' treason, immediately after our entry into this kingdom, and next at the horrible powder treason, the unnatural cruelty whereof is never to be forgotten, joined to this horrible and lamentable accident abroad (we mean the devilish and unnatural murder of the late French king, our dearest brother), hath so stirred up the hearts of our loving people, represented by the houses and body of parliament, as both the houses thereof have joined in making an humble petition to us, to be more wakeful than heretofore we have been, upon the courses and steps of the papists; and, to this effect, that we would be pleased to put in due execution hereafter, without any longer conveniency [1], the good and wholesome laws of this realm made against them, the most part whereof were made before our entry into this kingdom, and so were we, at our coronation, sworn to the maintenance of them, we have just reason, according to their humble desire, to be more careful than heretofore we have been, in seeing our said laws put in due execution.

[1 Quære, *connivency?—T.*]

For since, in this case, our conscience, in regard to religion; our honour, in regard there is nothing craved but the execution of our laws; our safety, and not only of us but of all our posterity, in regard to the papists' bloody doctrine, that make martyrs and saints of such as kill their own kings, the anointed of God, so as we now see, to our horror, their detestable doctrine so oft put in practice, and so that butcherly theory and practice so linked together, that a sinful or wicked man can by no means so well redeem his soul from eternal damnation, as by murthering a king that is either an heretic by their interpretation, or a fautor of heretics;—these three motives, we say, so justly grounded upon conscience, honour, and safety together, that the motion hereof hath moved from our people, cannot but stir up that princely and provident care in us, which every religious, just, and wise king ought to have upon such respects and considerations.

And therefore, being informed that, at this time especially, there is a greater resort made of recusants to this our city of London, than hath been at any time heretofore, notwithstanding that, by the laws of our realm, they ought all to be confined and remain within five miles of their dwelling places, it is our express will and pleasure to discharge, like as by these presents we do discharge, all by-past licenses granted unto them for their repairing hither. And although this time of parliament, and the creation of our eldest son, be so unfit and dangerous a time for their abode here, as hereupon our parliament hath moved us that they might all be sent home and discharged this city, before the creation of our said dearest son, yet have we thought good to retain so much of our accustomable clemency (weighing so little any of their malicious plots, or the hazard thereof, during that time, in comparison of our said clemency), as, in consideration of such important business as they may have, concerning their particular estates, in the next term, we are contented to give them time until the last day of June, which is after the end of the next term; betwixt [now] and which time, they are to repair again to their own dwelling houses and places of confining, according to the law; not presuming, at any time hereafter, to repair to this our city and chamber of London, without special license had thereunto, under pain of the severe execution of our laws upon the contraveners, and of highest contempt against our authority joined thereunto.

And we are likewise pleased, upon the said humble petition of our said loving subjects assembled in parliament, straightly to charge and command our justices of peace in all parts of this our realm, that, according to our laws in that behalf, they do take from all popish recusants convicted all such armour, gunpowder, and ammunition of any

kind, as any of them hath, either in their own hands, or in the hands of any other for them, and see the same safely kept and disposed, according to the law; leaving them, for their necessary defence of their house and persons, so much as by the laws is prescribed; wherein as our said justices have been hitherto too remiss, so, if we shall find this our express commandment neglected, or not diligently executed, as is fit, and as the importance thereof doth require, we will make them know, by severe punishment, what it is to be careless of our royal commandments, in cases of this nature.

And because that priests and jesuits do more abundantly swarm, as well throughout our whole kingdom, as within our city of London, than ever they did heretofore,—not only coming daily home in flocks, to the high contempt of our authority and laws, but even a number of those particular persons amongst them, who, after they have been kept in prisons and convicted by our laws, yet were, out of our clemency, put forth of the country again upon condition not to return, have, notwithstanding, presumed to return again into this country, in high contempt of our great clemency and favour extended towards them, thereby, as it were, seeking and begging at our hands their own just punishment,—we have therefore thought good, for staying the like abuses and inconveniences in time to come, to give from henceforth free passage and course to all such laws as are now in force, and ought to be put in execution against such offenders. And yet, being ever willing to mix some part of our clemency with the rigour of the law, notwithstanding that, in the first year, and afterwards in the fourth year, of our reign, we did, by two several gracious proclamations, give a certain day to all priests and jesuits for transporting themselves out of our dominions between [then] and the said day, at that time intimating all rigour unto them that should thereafter return within our kingdom, yet are we content, notwithstanding their contempt of this former grace twice before offered unto them, to renew the same, now again this third time; and do therefore, by these presents, declare and publish that it shall be lawful for all manner of jesuits, seminaries, and other priests whatsoever now in this kingdom, as well those whom we shall vouchsafe to deliver out of prison, as those that are not yet apprehended, freely and safely to depart forth of our realm, so as they make their repair to any of our ports, between the day of the date of this proclamation and the fourth day of July next, for the same purpose there to transport themselves, with the first opportunity, into any foreign parts; admonishing and assuring all such jesuits, seminaries, and priests of what sort soever, departing upon this our pleasure signified, as also all other that have been heretofore released by our

gracious favour on the same condition, that, if any of them shall hereafter return into this our realm again, that their blood shall then be upon their own heads, and upon those that shall send them; seeing that, by so doing, they shall not only incur the danger of our laws, but also a high and triple contempt of our gracious favour and clemency now extended towards them.

And, in general, since no man can pretend ignorance of our laws, that all jesuits and priests, of what order soever, and their senders, may hereby be admonished to beware any further to tempt our mercy, in presuming to repair any more within this our kingdom, in regard of their known peril, and of the care that we are resolved to have for preserving of our good subjects from their danger of body and soul, since their errand can be no other here but only for diverting of our good subjects' hearts from their due obedience both to God and us.

And lastly, because the horror and detestation of the powder treason in the minds of our Parliament bred, amongst other things, that oath of allegiance to be taken by our subjects, so highly impugned by the pope and his followers, as we are enforced by our own pen to take in hand the maintenance of our cause for that oath, which, howsoever odious it was to the pope, yet was it only devised as an act of great favour and clemency towards so many of our subjects who, though blinded with the superstition of popery, yet carried a dutiful heart towards our obedience; for hereby was there a separation and distinction made, between that sort of papists and the other pernicious sort, that couple together that damnable doctrine and detestable practice before-mentioned,—therefore, in consideration that the said oath serveth to make so true and merciful a distinction between these two sorts of papists, as is already said, we cannot but hold it most convenient for the weal of all our good subjects, and discovery of bad people, that greater care shall be used hereafter in the general ministration of this oath to all our subjects, than hath been heretofore used.

And therefore it is our express will and pleasure, and, accordingly, we do hereby straightly charge and command all and singular our bishops, justices of assise, justices of peace, and all other our officers whom it may concern, to minister the same to all such persons, and in all such cases, as by the law they are enabled; knowing that the meaning of the law was not only to authorise them to do it when they would, and to forbear it at their pleasure, but to require it at their hands, as a necessary duty committed to them, and imposed upon them, as persons of chief and principal trust under us, for the good and safety of us and our state. Given at our palace of Whitehall, the second day of June, in the eighth year of our reign of Great Britain, France, and Ireland, anno Domini MDCX.

*** *The Lords of the Council to the Sheriffs, deputy Lieutenants, and Justices of every shire, for disarming all Recusants; January* 10, 1612.

[Copy in the State Paper Office.]

After our very hearty commendations. Whereas in the twenty-seventh year of her majesty's late reign, there was a general order and direction given, that all recusants within the several counties of this realm should be disarmed, and their armour and furniture disposed to her majesty's use, until further order should be given therein, Forasmuch as these times require no less providence, for the preventing of such effects as the malice of persons so ill affected may otherwise produce; but that rather we should have so much the more care, by how much they are multiplied and increased since that time, in most parts of this kingdom, and become more strongly poisoned with such devilish doctrine as hath of late times been broached and infused into them, concerning the duty and allegiance they owe to their sovereign, together with the boldness and assurance they have taken of late, which is conceived to grow from some hopes tending to the prejudice of the public quiet and peace of the state; and that the opinion of parliament, being declared in that behalf, doth concur with the practice of former times, as by the statute made in the third year of his majesty's reign may appear,—We do therefore, in his majesty's name, and by his special commandment, require you to take and receive out of the hands and custody of all recusants, as well such as are convicted, as others known to be recusants and ill affected in religion, in that county, all such armour, weapons, and furniture of war as shall be found in their houses, or otherwise belonging unto them, and to detain and keep the same, to be disposed as occasion shall require. In the due execution and performance whereof, we think it meet that there be left to each of them such weapons as shall seem necessary and expedient for the defence of their house; and that such armour and weapons, as shall be received from them, be taken by bill indented, containing the particulars of each parcel: And further, also to take notice what horses or geldings of service are in the possession and keeping of the said recusants. And, forasmuch as the service is of that importance, as will require an exact account thereof, so we doubt not but you will proceed therein with all diligence and integrity, and without favour or connivance to any person whatsoever: and thereupon to return unto us, with all convenient expedition, a particular, as well of the armour, as of the parties from whom they are taken, together with such other circumstances as shall be requisite to be made known unto us concerning the

same. And so we bid you heartily farewell. From the court at Whitehall, this 10th of January, 1612.

Your very loving friends,

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|---|---|---|
| G. Cant. | T. Ellismere. Canc. | H. Northampton. |
| T. Suffolk. | Gilb. Shrewsbury. | E. Worcester. |
| Pembroke. | Exeter. Fenton. | E. Zouche. |
| W. Knollys. | E. Wotton. | Jul. Cæsar. |

*** *A minute of Letters directed from the Council to the Sheriff and Justices of the peace of all the counties in England and Wales ; September* 14, 1614.

[MS. in the State Paper Office.]

Whereas, by letters from this board, dated the tenth of January and the twenty-eighth of February, 1612, you received order and direction for the disarming of all recusants within that county, as well convicted, as of such as were known to be ill affected in religion, and to take from them all armour, weapons, and furniture of war, that should be found in their houses, or otherwise belonging unto them : And, forasmuch as the so disarming them were to little purpose, if they should again be suffered to furnish themselves with other weapons, furniture, and armour, of the like kind,—We have therefore thought fit, and, in his majesty's name, do hereby require you to make diligent search in the houses, not only of recusants, convicted or otherwise known to be recusants, but of all such as give any overt suspicion of ill affection in religion ; of which sort, as in a former letter hath already been explained unto you, are to be understood all such as do not ordinarily repair unto the church to hear divine service, where there is no just cause or lawful impediment to excuse them; and also such as have not, for the space of three or four years last past, received the sacrament once a year at the least, yea, and such as have their wives, children, or servants recusants, or tenants that are recusants or noncommunicants,—with these sorts of people, therefore, and every of them, being persons whom his majesty and the state have reason to hold in jealousy, you are to proceed as by our former letters you were directed, and to receive out of their hands and custody all such arms and furniture of war as you shall find in their possessions, or belonging unto them, excepting such weapons as shall seem necessary and expedient for the defence of their houses. * * And so we bid you farewell.

## No. XXXV.—(*Referred to at page* 78.)

### *** *Dove, bishop of Peterborough, to the Lords of the Council, Oct.* 12, 1611.

[Extract from the Original, in the State Paper Office.]

* * * It would grieve me heartily that it should be truly reported by (of) me, that I would commit any wilful neglect in my place, touching the careful administering of the oath of allegiance to popish recusants in my diocese; for this course we do take about Peterborough,—to all persons, both men and women, above the age of eighteen years, we offer the oath, to the end that we may miss none. And I do hear that the justices in the upper part of Northamptonshire are very diligent in their several divisions; so that I do not doubt but his majesty shall be duly informed of every recusant in this behalf. * *

Peterb. 12 Octob. 1611. At your honours' command,

THOMAS PETROBURG.

### *** *Oath offered by the Catholic Clergy and Laity to James I. Anno* 1606.

[MS. in the State Paper Office.]

We, the secular and regular priests and other catholics of England, swear, promise, and protest, as members of the civil and politic body of this kingdom of England, that we acknowledge our sovereign, king James, the first of that name, to be mediately after God, the head of this civil body, without any dependance on any other earthly power or jurisdiction whatsoever: and to him and to his successors we will yield all fidelity, obedience, and subjection, and will acknowledge in him an authority, power, and princely dominion, as ample as ever our predecessors, priests of England, acknowledged or admitted in his majesty's royal progenitors, kings of this realm.

We further make oath and declare that, neither at the time of our ordination, nor at any other time or place, did we ever bind ourselves, by any oath of obedience or submission to any foreign jurisdiction whatsoever, in virtue whereof this our oath of allegiance may be rendered null, void, or conditional, at the will of those by whom we were ordained; that they have no power to dispense with our said oath; and that we will not accept of any such pretended dispensation. We moreover swear and protest that we neither have had already, nor will hereafter have, any intercourse, intelligence, or dealing, with any prince, prelate, potentate, or person, of whatever place or order, at home or abroad, under any pretext or for any cause, to the prejudice, hurt, or danger of the king's royal person, or of his realms and dominions; but

that we will be always ready, with all loyalty and submission, even with the effusion of our blood, to defend, and to excite all others with whom we live to defend, our said king and his successors, as well against all foreign invasions and practices, as against all domestic rebellions and conspiracies, under whatever pretext, or by whatever authority excited or contrived, against the peace of our said sovereign lord, his person, crown, and dignity, and against the peace of his realms and dominions: And we further promise that we will do this, any excommunication or other ecclesiastical censure, pronounced or to be pronounced, to the contrary notwithstanding: and we solemnly engage to teach and persuade all others, his majesty's subjects, with whom we chance to converse, to act in like manner.

*** *Another form of Oath, offered to the Government by the convicted Recusants.*

[Recusants' Papers, No. 35, in the State Paper Office.]

I., A. B., as concerning my allegiance towards his majesty, do, in all points, acknowledge as dutifully, and as far forth, as any good subject ought to do to his prince: and I do truly and sincerely acknowledge, profess, testify, and declare in my conscience, before God and the world, that our sovereign lord king James is lawful king of this realm, and of all other his dominions and countries: And that I do and will bear true faith and loyalty to his majesty, and him will defend, to the uttermost of my power, against all unlawful conspiracies and attempts, which shall be made against his person, crown, and dignity: And will also do my best endeavour to disclose and make known to his majesty all treasons and traitorous conspiracies, which I shall know and hear of, to be made against him: And I do also think and verily believe that princes, which be excommunicate, ought not to be murdered by their subjects nor any other. And all these things I do plainly express, and sincerely acknowledge and swear, according to these express words by me spoken, by the true faith of a christian. So help me God.

*** *Father Holtby, under the assumed name of Ducket, to his cousin, Robert Holtby. June* 26, 1611.

[Copy in the State Paper Office.]

Good cousin Robert,

I am sorry for your affliction; yet being for a good cause, I hope you will endeavour to take it, not only patiently, but also joyfully. The merit is great, and the reward superabundant. Commit the charge of your family unto him, who is never wanting in necessity, and whose

apostle adviseth you,—"*Jacta curam vestram in Domino, quoniam ipsi est cura de vobis.*"

As for the oath, you know my resolution to be conformable to the censure of the chief pastor, that it is altogether unlawful, and neither absolutely, nor with any condition or protestation, can be taken, without manifest perjury even in matters of religion, "*quia multa continet fidei catholicæ repugnantia.*" Wherefore it is to be refused. Yet, in refusing it, you may allege that you think no good subject can take it without perjury, and prejudice even to his majesty and posterity;—First, for that you must swear unto his successors, who, as times and events are variable, if they should be adversaries to his issue and posterity, you must swear to be true to them, though it be to the overthrow of his posterity:—Secondly, that it is prejudicial to his majesty also, to swear that none can absolve you from that oath; for so you exclude himself and his lawful successors, who may release and absolve you of many things contained in that oath,—besides many other things concerning the pope and your religion, which are no matter of temporal allegiance:[1]—But, for your temporal allegiance, you are willing to swear any thing that a dutiful subject is bound to swear; so that it be in that form of words that implieth no further matters, which that oath doth expressly;—as, that you do acknowledge the king for your sovereign, and that with your body and goods you will aid and defend him; that you will be true to him, and reveal any treason or peril, intended to him, to your knowledge;—and this, you think, is as much as any subject, by virtue of allegiance, is bound to swear unto any temporal prince in the world.

And this is all I can answer, for this present, unto your demand. God send you strength and courage to prefer his honour before all temporal respects. And so, with my hearty commendations, I commit you to God, this 26th of June. Your loving cousin,

Andrew Duckett.

I think there is no present peril in refusing the oath; for, in this new proclamation, the justices have no more authority but to certify, at All-hallowtide, who they be that refuse it; and the king will then

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[1] [What Mr. Butler has remarked of one of these arguments, as employed by Dr. Bishop, may be justly observed of both,—"it is wonderful that such objections to the oath could be seriously urged." By "successors" could only be meant "*lawful* successors:" while the word "absolve," to pursue Mr. Butler's observation, "could not be meant to include the absolution of those, who were entitled to the performance of the obligation, and to whom, therefore, it must always be competent to absolve from that obligation." Mem. of Eng. Cath. ii. 202.—*T.*]

appoint certain commissioners of his council, who shall determine what shall be done, for that he will have the commodity to his own use. I hope the matter will come to nothing; though you may make what means you can for your liberty: and if it be but a little bribe of money, slip it not, so it be not with too ill conditions.

No. XXXVI.—*(Referred to at page* 78.)

*** *Examination of Oswald Needham, priest, Sept.* 27, 1609.

[Extract from MS. in the State Paper Office.]

Being demanded if he will take the oath of allegiance to his majesty, made lately in parliament, he refuseth so to do. Being asked some reason for this refusal, he saith that, although he thinketh nothing contained therein to be unfit for him to swear, yet, in regard the pope hath commanded the contrary, he ought not therefore to take the same.

OSWALD NEEDHAM.

No. XXXVII.—*(Referred to at page* 78.)

*** *Extracts from the Examinations of twenty-two Priests, in* 1615.

[Attested copy in the State Paper Office.]

*Interrogatories.*

1. Whether his majesty's temporal judges be not lawful judges in all temporal causes.

2. Whether a judge of our religion may not lawfully give sentence against a man of their religion.

3. Whether his majesty may not lawfully banish any subject offending against his laws; and being banished, if he return, whether he be not liable to the penalty of the law.

4. Whether the pope have power to censure the king in any temporal cause that he shall transgress in.

5. Whether the king and his parliament have not full power to make laws for matters of life and death in matter of religion.

6. Whether by this maxim of the law, *Qui rapit jus alienum, perdit jus ad suum*, the king, by abrogating the pope's pretended authority, hath lost the right he hath to his own crown.

7. Whether it be not directly and absolutely murder, for any man to take away the life of the king's majesty.

8. Whether, before it be defined by a general council, a man may hold it lawful to depose or kill the king.

9. Whether, if the church should define it, a man be bound to lose his life for the maintenance of that point.

10. To whether part in this question of deposing and killing, in a man's private opinion, it were fittest to incline.

11. Whether the oath of allegiance be a damnable oath.

12. Whether it be treason to swear it.[1]

*Examination or personal answers of Thomas Thompson, prisoner in Newgate, taken March 28, 1615.*

To the second interrogatory he answereth, that he doth not understand the question, and therefore cannot answer it, unless he may have time to advise upon it, and confer with others.

To the third, he saith that it is a question that belongeth to scholars to answer, and he, being no scholar, cannot answer it.

To the fourth, fifth, and sixth, he saith that he cannot answer any more to this than to the former, because he is no scholar.

To the seventh interrogatory, he saith that he knoweth not what to answer thereunto.

To the eighth and ninth he answereth as to the former, and otherwise cannot answer, unless he may have further time.

To the tenth he answereth, that he is not fit to be a judge, and therefore cannot make any answer, as he saith, to this interrogatory.

To the eleventh interrogatory he answereth, that he hath refused to take the oath of allegiance, but whether it be a damnable oath or not he will not say, but leaveth it to others to judge.

THOMAS THOMPSON.

*The Examination of Richard Cowper, now prisoner in Newgate, March 28, 1615.*

Being asked whether his majesty's temporal judges be not lawful judges in all temporal causes, he saith that he suspendeth his answer both to this and all the rest, if there be any more, unless he may hear them all first.

JOHN BENCH, W. BIRD,
THOS. EDWARDS, WM. FERRAND.

*The Examination of Wm. Herbert, now prisoner in Newgate, March 28, 1615.*

To the second, he saith that he will not answer hereunto, until he hath more time.

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[1] [This alludes to the doctrine propounded by Holtby, in his letter printed in No. XXXV. of this Appendix. I will take this opportunity to say that, in the following examinations, I have inserted only the more objectionable answers returned by the prisoners; and that, in general, those which are omitted were either wholly satisfactory, or, at least, not open to any reasonable complaint. In the single case of Edward Smith, I have printed the examination entire; because in his answers the reader will see a fair specimen of those which I have elsewhere omitted.—*T.*]

To the fourth and fifth question or interrogatory he answereth, that for answer hereunto he will suspend his judgment, till the Roman catholic church hath defined what may lawfully be done, touching this point.

To the eighth interrogatory he answereth and saith that, for his own opinion, he doth not hold it lawful to kill the king ; but, for matter of deposing the king, he holdeth it doubtful or disputable, till the church hath defined it: and what other men may hold lawfully in both these cases, he will not judge.

To the ninth interrogatory he answereth, that it concerneth him not to judge hereof, in particular; but, in general, he holdeth that whatsoever the catholic Roman church shall determine, he holdeth it a point of faith, and every one is bound to lose his life in maintaining thereof.

To the tenth he answereth that, because it containeth ambiguous clauses, he will not answer thereunto, till he hath further time : and further to this tenth he doth not answer, otherwise than he hath before answered to the eighth. WILLIAM HERBERT.

*The Examination of Edward Smith, now prisoner in Newgate, March* 28, 1615.

To the first interrogatory he answereth, that he maketh no doubt but that his majesty's temporal judges are lawful judges in all temporal causes.

To the second he answereth affirmatively, that the judges of our religion may give sentence against men of his religion.

To the third he answereth, that his majesty may lawfully banish any subject offending against his laws; and, being banished, if he return, he thinketh he is liable to the penalty of the law.

To the fourth he answereth that, for his own opinion, he thinketh that the pope hath not power to censure the king, in any temporal cause wherein he shall transgress.

To the fifth he answereth that this question is above his capacity ; yet he doubteth not but that the king's majesty with his parliament may make laws for life and death, and that in matter of religion also, so it be not against the Roman catholic religion.

To the sixth he answereth, that, for his part, he doth not believe that by this maxim the king hath lost his right to his own crown, notwithstanding the abrogating of the pope's authority.

To the seventh interrogatory he answereth affirmatively, that he holdeth it absolutely murder for any man to kill the king.

To the eighth interrogatory he answereth that, before it be defined by a general council, he holdeth it unlawful to depose or kill the king.

To the ninth interrogatory he answereth, that he holdeth it impossi-

ble for the church so to define, because it cannot err; and so to define were an error, and, for an error, he would think it unfit to be maintained, either with the loss or hazard of any man's life.

To the tenth he answereth that, for his own opinion, he hath expressed it before, and doth now again say that he doth incline to that opinion rather, that the king ought not to be killed nor deposed.

To the eleventh he answereth that, for his part, he hath refused, and doth refuse, to take the oath of allegiance; but whether it be a damnable oath, he leaveth it to the judgment of their school-divines.

To the twelfth he answereth, that he doth not take it to be treason to take the said oath of allegiance. EDWARD SMITH.

*The Examination of Humphrey Peto, now prisoner in Newgate, March 28, 1615.*

To the fifth and sixth, he desireth further time to be given him for answer thereunto; and other answer he doth not give at this time.

To the eighth he answereth that, before it be defined by a general council, no man may hold that it is lawful to kill the king: but, for the point of deposing the king, he desireth further time to answer thereunto; but he supposeth that no general council will ever define it lawful for any private man to kill the king.

To the tenth, he desireth further time to consider of it, and further answer doth not make to this interrogatory. HUMPHREY PETO.

*The Examination of John Chamberlain, now prisoner in Newgate, March 28, 1615.*

Being asked whether his majesty's temporal judges be not lawful judges in all temporal causes, his answer is, that he maketh no doubt but that they are.

Being asked whether a judge of our religion may not lawfully give sentence against a man of his religion, he saith to this he will not answer, nor to any of the rest, unless he may have the copies of these interrogatories given him, and a time given him to answer them; and otherwise will proceed no further. JOHN CHAMBERLAINE.

*The Examination of William Davies, now prisoner in Newgate, March 28, 1615.*

To the first he answereth and acknowledgeth that his majesty's temporal judges are lawful judges in temporal causes.

To the second, third, fourth, fifth, sixth, eighth, ninth, and tenth, he answereth that it is doubtful, and desireth time to consider of it.

To the seventh he answereth, that he doth rather think it murder for any man to take away the life of the king, than otherwise.

To the eleventh he answereth, that he neither hath taken the oath of allegiance, neither will take the oath of allegiance; and further refuseth to answer. WILLIAM DAVIES.

*The Examination of Peter Symons, now prisoner in Newgate, March 29, 1615.*

To the first he answereth that, unless he may first have copies of all the interrogatories delivered unto him, and four or five days respite or liberty given him for his answers, he will give no answer at all, at present.

To the second he answereth as to the first. *(And so on, in the same words, through each of the remaining interrogatories.)*

PETER SYMONS.

*The Examination of Richard Kellet, now prisoner in Newgate, March 29, 1615.*

To the first interrogatory, he desireth time to consider of it, before he deliver any answer thereunto, that he may give full satisfaction to his majesty of his loyalty.

To the second interrogatory he answereth as to the former. (*And so on, in the same words, through each of the remaining interrogatories.*)

RICHARD KELLET.

*The Examination of Richard Davies, now prisoner in Newgate, March 29, 1615.*

To the first he answereth that, if the king's majesty be not excommunicate, then he holdeth that his highness's temporal judges are lawful judges in all temporal causes.

To the second he answereth, that he holdeth that a judge of this religion, here established in England, may give sentence against a layman of the Romish catholic religion, but not against a priest.

To the fourth he answereth, that he cannot determine of this point demanded in this interrogatory, because the pope's power is greater than he can define.

To the sixth he answereth, that it is above his capacity to make any answer to this interrogatory. RICHARD DAVIES.

*The Examination of Richard Dyer, now prisoner in Newgate, March 29, 1615.*

To the fourth he answereth, that he holdeth that the pope may censure the king in temporal causes, wherein he shall transgress.

To the eighth he answereth, touching the demands in this interrogatory, that he suspendeth his judgment; and other answer doth not make hereunto.

To the ninth he answereth, that, when the church shall define it, he will then make answer hereunto; and otherwise will not answer.

To the tenth, he suspendeth his judgment, and other answer doth not make. Richard Dyer.

*The Examination of Stephen Smith, now prisoner in Newgate. March 29, 1615.*

To the eighth, touching the deposing of the king, he cannot tell what to think of it; but touching the killing of the king, he taketh it absolutely to be unlawful.

To the ninth he answereth, that, if the church should define that it were lawful to depose or kill the king, he would give in his answer when such definitive sentence shall be given; and otherwise cannot answer, as he saith.

To the tenth he answereth, that he can give no judgment to the matter of this interrogatory; and otherwise will not answer.

To the eleventh he answereth, that he cannot tell whether the oath of allegiance be damnable or not damnable; and other answer refuseth to make. Stephen Smith.

*The Examination of Francis Kempe, now prisoner in Newgate. March 29, 1615.*

To the eighth interrogatory, touching the point of deposing the king, he desireth time to deliberate thereupon, before he give any answer thereunto; but, for the point of killing the king, he holdeth it unlawful for any man to hold that it may be lawfully done.

To the ninth he answereth, that, touching the point of deposing the king, he desireth time to deliberate thereupon, before he maketh any answer thereunto; but, touching the point of killing the king, he holdeth it unpossible that any general council should define it to be lawful.

To the tenth, he desireth time of deliberation, before he express his mind touching his inclination herein. Francis Kempe.

*The Examination of Francis Greene, now prisoner in Newgate. March 29, 1615.*

To the first he answereth, that he holdeth that his majesty's temporal judges are lawful judges in all temporal causes; yet, with this limitation, that they have no power to proceed against priests; but against lay Roman catholics they may proceed in matters merely temporal.

To the second he answereth, that he holdeth that a judge of the religion, here now established in this realm of England, may lawfully give sentence against any layman of the Roman catholic religion, in matters merely temporal.

To the fifth he answereth, that he holdeth that the king and his parliament, in matters of false religion, have power to make laws of life and death; but, touching the Roman catholic religion, they have no power to make any such laws.

To the eighth he answereth, that it is a received opinion in the catholic church, and commonly taught, that a christian prince may commit such offences, as that the pope hath power to depose him; and this examinate, for his own part, thinketh that opinion true; and, for killing the king, he thinketh it unlawful, as before, and a great offence; and thinketh that another man may lawfully hold as he doth, in these points.

To the ninth he answereth, that, touching the point of deposing the king, if the church should define it, he holdeth that every catholic ought to believe it as an article of faith, and to maintain it even with the loss of his life: but for killing of the king, he holdeth it not to be within the power of the church to define it to be lawful.

To the tenth he answereth, that, touching the point of deposition of the king, he holdeth that it is the more probable opinion, and hath more reasons and better grounds to persuade to hold, that the pope, for some causes, may depose the king, than the contrary; and to this opinion he holdeth it most fit to incline, as having greater grounds of truth: but, as for the point of killing the king, he holdeth it absolutely unlawful. FRANCIS GREENE.

*The Examination of Robert Tuke, now prisoner in Newgate. March* 29, 1615.

To the fourth he answereth, that, if the king should so transgress, as that such transgression should tend to some great hurt of the catholic church, though such transgression or offence were temporal in itself, yet he holdeth that the pope hath power to censure him for it, *in ordine ad bonum spirituale Ecclesiæ.*

To the fifth he answereth, that he holdeth that the king and his parliament have not full power to make any laws of life and death against the Roman catholic faith, or against the professors thereof, for their catholic religion: but concerning matters of other religion, he thinketh the king and the parliament may make such laws.

To the sixth he answereth, that it concerneth a matter that he hath not well considered, and therefore desireth further time for answer thereunto; and further he answereth not.

To the seventh, eighth, ninth, tenth, and twelfth, he answereth, that he desireth some time to consider of it; and further, for the present, he answereth not.

To the eleventh he answereth that he hath and doth refuse to take

the oath of allegiance; and further refuseth to answer whether that the oath of allegiance be damnable or not, till he hath better considered of it.

ROBERT TUKE.

*The Examination of Gervase Poole, prisoner at the Gatehouse. March 30, 1615.*

To the fifth he answereth not, but desireth time to deliberate thereupon, before he give any answer thereunto.

To the sixth he answereth not, but desireth further time for answer thereunto.

To the seventh he answereth not, but taketh time to deliberate thereupon, before he give in any answer.

To the eighth he answereth not, but desireth further respite.

To the ninth he answereth not, but desireth further respite for answer hereunto.

To the tenth he answereth, that *he thinketh it most fit to incline to the point of deposing: but, for giving his answer to the point of killing, he desireth respite for further answer thereunto.*[1]

GERVASE POOLE.

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[1] [The refusal of this and other prisoners to answer these important questions, coupled with the avowal, in the present instance, of an adherence to the deposing doctrine, and the reservation of the examinate's opinion, as to the material point of killing the king, tends to place the real principles of many of these persons beyond a doubt. At the same time, it must be remembered that the advocacy of the doctrines in question was not confined to any particular party or body of men. It was adopted by Buchanan, the preceptor of James himself, in his dialogue "*De Jure Regni*": it was proclaimed by Boucher, in his treatise "*De Justâ Henrici III. Abdicatione à Francorum Regno*": and, if it was subsequently taken up by the jesuit Mariana, it had been previously set forth by the reforming bishop Poynet, in a work which even Strype has described, as "not over favourable to princes" (Mem. iii. 328). This book bore the following title: —"A Short Treatise of Politic Power, and of the true obedience which subjects owe their kings and other civil governors; with an Exhortation to all true natural Englishmen. Compiled by D. J. P. B. R. W. 1556." The treatise is divided into seven chapters, in which seven questions are discussed,—1°. "Whereof politic power groweth, wherefore it was ordained, and the right use and duty of the same":—2°. "Whether kings, princes, and other governors have an absolute power and authority over their subjects":—3°. "Whether kings, princes and other politic governors be subject to God's laws, and the positive laws of their country":—4°. "In what things, and how far, subjects are bound to obey their princes and governors":—5°. "Whether all the subject's goods be the Cæsar's and king's own, and that they may lawfully take them as their own":—6°. "Whether it be lawful to depose an evil governor, and kill a tyrant":—7°. "What confidence is to be given to princes and potentates." The author, who is writing against Mary, of course decides each of these questions in opposition to the sovereign, and in favour of popular rights. Not only the authority, but also the crown and life of the prince are at the mercy of his subjects, while the lawfulness of deposing and killing an obnoxious ruler is dwelt on and enforced with all the power and earnestness of the writer. I will subjoin an

*The Examination of Alexander Fairclough. March* 30, 1615.

To the fourth he answereth not, but desireth time to consider of it, before he give any answer thereunto.

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extract from his answer to the sixth question:—"The manifold and continual examples," says he, "that have been, from time to time, of the deposing of kings and killing of tyrants, do most certainly confirm it to be most true, just, and consonant to God's judgment. The history of kings in the Old Testament is full of it; and, as cardinal Pole truly citeth, England lacketh not the practice and experience of the same: for they deprived king Edward II., because, without law, he killed the subjects, spoiled them of their goods, and wasted the treasures of the realm. And upon what just causes Richard II. was thrust out, and Henry IV. put in his place, I refer it to their own judgment. Denmark also now, in our days, did nobly the like act, when they deprived Christiern, the tyrant, and committed him to perpetual prison.

* * * * *

"The reasons, arguments, and laws, that serve for the deposing and displacing of an evil governor, will do as much for the proof that it is lawful to kill a tyrant, if they may be indifferently heard. As God hath ordained magistrates to hear and determine private men's matters, and to punish their vices, so also willeth he that the magistrates' doings be called to account and reckoning, and their vices corrected and punished by the body of the whole congregation or commonwealth. * * * Kings, princes, and governors have their authority of the people, as all laws, usages, and policies do declare and testify: for in some places and countries they have more and greater authority, in some places less, and in some the people have not given this authority to any other, but retain and exercise it themselves. And is any man so unreasonable to deny that the whole may do as much as they have permitted one member to do, or those, that have appointed an office upon trust, have not authority, upon just occasion (as the abuse of it), to take away what they gave? All laws do agree that men may revoke their proxies and letters of attorney, when it pleaseth them, much more when they see their proctors and attorneys abuse it.

"But now, to prove the latter part of this question affirmatively, that it is lawful to kill a tyrant, there is no man can deny but that the ethnics, albeit they had not the right or true knowledge of God, were endued with the knowledge of the law of nature; for it is no private law to a few, or certain people, but common to all; not written in books, but grafted in the hearts of men; not made by men, but ordained of God; which we have not learned, received, or read, but have taken, sucked, and drawn it out of nature, whereunto we are not taught, but made; not instructed, but seasoned, and, as St. Paul saith, 'man's conscience bearing witness of it.' This law testifieth to every man's conscience that it is natural to cut away an incurable member, which, being suffered, would destroy the whole body. * * * Nevertheless, forasmuch as all things, in every christian commonwealth, ought to be done decently and according to order and charity, I think it cannot be maintained by God's word that any private man may kill, except (where execution of just punishment upon tyrants, *idolators*, and traitorous governors is either by the whole state utterly neglected, or the prince with the nobility and council conspire the subversion or alteration of their country and people) any private man have some special inward commandment, or surely proved motion from God,—as Moses had, to kill the Egyptians, Phineas the lecherours, and Ahud king Eglon, with such like; or be otherwise commanded or permitted by common authority, upon just occasion and common necessity, to kill.

* * * * *

"God himself gave the example of punishment of evil governors. * * * When that doughty dame, queen Athalia, the woman-tyrant, had killed all the

To the fifth he answereth as to the former.

To the eighth, ninth, and tenth, he answereth not, but desireth further respite. ALEXANDER FAIRCLOUGH.

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king's progeny, saving Joas (whom Josabia, Joram's daughter, hid and get with his nurse out of the way), purposing to reign thereby in security, and to transpose the right of the crown to strangers, or some other favourer of her cruel proceedings, at her pleasure, by the help and subtlety of her traitorous counsellors, and so went on in all abomination and cruelty, without controlling, a great space, did her subjects suffer her in her wickedness still unpunished, though she was the undoubted queen and chief governor of the land?—No, no: but, as soon as Joas was a little nursed up, and crept somewhat out of the shell, being a child of seven years old, the nobility and commons, feeling by experience what misery it was to live under the government of a mischievous woman, not only guarded Joas with men, and all decent royal ceremonies, unto the house of God (by the advice and appointment of Joiada the high-priest), and there crowned him solemnly, but also, when Athalia the queen's highness came in, marvelling what ado that was, and, perceiving the matter, rent her clothes, howling and crying, as the manner of mad women is, specially in the hot season of the year, they laid hands on her (for all her crying 'treason, treason'), and, when they had carried her out of the house of God, they slew her. And so was the realm rid of a tyrant, the right inheritor possessed in his regal estate, the people made a new bond with God to serve him sincerely according to his word, and *banished all idolatry and false religion which the queen had set up and used*, and the commonwealth flourished afresh in her former peace and liberty.

"The prophet Elias, being no civil magistrate, caused the king and queen's highness' chaplains, Baal's priests, to be killed before Achab's face, *because they were idolators, and taught and maintained false religion, though scarce so false and idolatrous as the pope's mass and religion is.* And when the queen's majesty, dame Jesabel, that she-devil, saw Jehu come to her palace, [she] cried and reviled him as a traitor. Jehu, not passing upon her words (though she was his sovereign lady and mistress), cried aloud,—'Who is on my side, who?'—as though he had said,—'if there be any among you, *that setteth more by God's true religion and their natural country than by that idolatrous witch, the queen, cast her out of the window':*—and so two or three of her privy chamber threw her out to him, bursting her neck and bones against the walls."

The writer then proceeds to describe the tyranny of king Eglon, and thus concludes,—"But what remedy? No man durst make moan to his neighbour, for fear of bewraying, &c. But, at length, they sent, as their yearly accustomed manner was, a present to the king, by a witty messenger, called Ahud, who, having access to the king, said, he had to say unto his majesty secretly from God. And when the king had commanded all his servants away, so that Ahud and the king were alone in his summer parlour, Ahud thrust his dagger so hard into the king's fat paunch, that there lay king Eglon dead, and Ahud fled away."—That these passages were written for the purpose of procuring the murder of a catholic queen, there can be no doubt. By way of contrast, I will merely add the note appended by the catholic commentators on the Douay Bible to that part of the book of Judges (iii. 20), in which the death of Eglon is recorded:—"Aod (or Ahud), having special inspiration from God to do this fact, as St. Augustine noteth, *is not to be imitated by private men.* See Numbers xxv. 11."—It is worth while to remember, 1°. that this note was written and published when a protestant sovereign was on the throne: 2°. that of the commentators from whom it emanated, the principal was Gregory Martin, the very man whom Camden pretends to accuse of having published his "Treatise of Schism," with a view to incite Elizabeth's maids of honour to treat her, as Judith treated Holofernes. Hearne's Camden, ii. 411.—*T.*]

*The Examination of Thomas Browne, prisoner in the Gatehouse. March* 30, 1615.

To the third, fourth, and fifth, he answereth not, but desireth respite, to consider of it.

To the eighth he answereth not, but desireth further respite for answer thereunto.

To the ninth he answereth, that, when such a matter is defined by the church, he will then give his answer hereunto; and otherwise answereth not. THOMAS BROWNE.

*The Examination of Thomas Keighley, prisoner in the Gatehouse. March* 30, 1615.

To the fourth he answereth, that he desireth time to consider of it; because, being a layman, he cannot tell what to say in it.

To the eighth, he desireth respite, to consider of it.

To the ninth, he desireth time to consider of it.

To the tenth, he desireth time to deliberate upon this point.

THOMAS KEIGHLEY.

*The Examination of John Richardson, now prisoner in Newgate. March* 30, 1615.

To the third he answereth, that he cannot presently give in any answer thereunto, but desireth further time to consider thereof.

To the fourth he answereth as to the former.

To the fifth, sixth, seventh, eighth, ninth, and tenth, he answereth as to the third.

To the eleventh he answereth as to the third, and otherwise cannot answer.

To the twelfth he answereth as to the third, and otherwise for the present refuseth to answer. JOHN RICHARDSON.

*The Examination of George Musket. March* 20, 1614.

To the first he answereth, that his majesty's temporal judges have as much authority in all temporal causes, as the judges of other christian princes have, within the dominions of their sovereigns.

To the second he saith, that, in this question, as also in the former, for the present he doth allow the common received doctrine of the catholic church, and other answer he will not give, for the present, but desireth respite for the full answer of them, and the rest that follow.

To the third, fourth, fifth, sixth, seventh, eighth, and ninth, he answereth as before, and no otherwise for the present.

To the tenth, notwithstanding he were required to give his private

opinion, and not the general doctrine, he desireth respite for the present, and otherwise he doth not answer.

To the eleventh and twelfth *respondet ut supra, et non aliter.*

The reason why he forbeareth a present answer is, the desire that he hath to satisfy, at full, God, the world, and his own conscience.

GEORGE MUSKET.

*The Examination of John Ainsworth, prisoner in Newgate. March* 20, 1614.

Being shewed a letter, which beginneth "Dear Sir," and is subscribed, "Your very loving friend, John Ainsworth," he acknowledgeth it to be his own handwriting.

He confesseth that he was once sent out of England, at the suit of Don Pedro de Cunega, ambassador for the king of Spain, and that he came in again, for his country's good, with a lawful mission from his superiors.

To the fourth he saith, that it is the received opinion of some divines in the church of Rome, that the pope hath no direct power to censure the king, in any temporal cause, if he shall transgress; and that is the opinion of this examinate.

To the fifth he saith, that, if there were such a parliament as formerly there hath used to be, wherein there were lords spiritual and temporal, that there the king and his parliament have full power to make laws for matters of life and death, in point of religion: but now he holdeth, that there be in England no lawful bishops, and therefore there can be no laws made against the profession of the Romish religion.

To the eighth he saith, that, touching the killing of the king, he doth not think that ever any council will define it to be lawful, and, in the meantime, that it cannot be lawful for to kill a king: but, touching deposing, he holdeth it to be the common and approved opinion, that, in some cases, *propter bonum spirituale*, it is lawful for the pope to depose a king, be it the king of Spain, or king of France.

To the ninth he saith, that it is impossible that the church, or a council, should define that a king may be killed. But, it being demanded of him, whether, if there should be such a determination (as it may be well conceived there may be such a one, because he hath said before, that, in some cases, the pope alone may depose a king, and it was urged against him that there was never king in England who was deposed, but the same king was also murdered), whether he then would think it lawful to [kill the] king or no, he saith that, holding before that it is impossible for the church or a council, guided by the Holy

Ghost, to err, that the council will never define such a thing, and therefore it is impertinent to ask any such question.

To the tenth he saith, that it is lawful to depose, according to the common received opinion, but not to kill, a king.

JOHN AINSWORTH.

## No. XXXVIII.—(*Referred to at page* 78).

*** *Supplication of eight priests, prisoners in Newgate, to Pope Paul V, concerning the Oath of Allegiance.*

[Original in Bishop Stonor's Collection, p. 1.]

Beatissime Pater,

Ad te, tanquam ad azilum, calamitosis hisce temporibus, in hac tantâ bonorum consternatione, tuâ humanitate invitati, nostrâ necessitate compulsi, recurrimus, oves ad pastorem, filii ad parentem; præsidium à pastore, à parente consilium et auxilium expectamus. Non aliud petimus quàm ut tuæ causæ patrocinium suscipias, auctoritatemque ecclesiæ, pro quâ tot invictissimi martyres, tot heroes nobilissimi oppigneraverunt, propugnes. Te ducem in hoc bello sancto, quod modò in tui honoris defensionem instauramus, deposcimus: tuum est enim potestatem tibi traditam, Petri prærogativam, Romanæ sedis privilegia, decusso adversariorum supercilio, ab omni injuriâ vindicare: tuum est nos defendere, qui te caput nostrum non sine capitis periculo defendendum suscepimus. Quotquot hujus carceris angustiis concludimur, pro te (audeo dicere) persecutionem patimur, et sustinemus; blasphemamur, et obsecramus; tanquam purgamenta hujus mundi facti sumus, omnium peripsema usque adhuc. Non ut confundamus sanctitatem tuam hæc scribimus; sed ut intelligatis (*sic*) nos in crimen et vitæ discrimen adduci, et innumeris malis affligi, quia te, summum ecclesiæ pastorem, eâ quâ decet veneratione prosequimur: quia tuis jussis obtemperantes, jusjurandum, à te proscriptum et pessundatum, proscribimus et pessundamus. Regiæ majestatis offensionem incurrimus, quia tuæ causæ, justissimam licèt, defensionem instituimus. Sed in hoc gloriamur, quia tui causâ patimur: gloriosum enim nobis est pro te, cujus filii sumus, decertare; pro avitâ religione, cujus defensionem suscepimus, sanguinem profundere; pro Christo et ecclesiâ, cujus milites sumus, depræliari. Spumant quidem hæretici, et in nos despumant rabiem suam: dentibus suis fremunt, et tabescunt, quia te successorem S. Petri defendimus, tibi obsequium præstamus. Tui causâ impetimur maledictis, saturamur opprobriis, conviciis proscindimur, ut læsæ majestatis rei arguimur. Prodit adversùm nos inimicus homo, spirans minarum et cædis in catholicos: tanto furore prodit, ut non audiat inclamantem Christum,—"Saule, Saule, quid me persequeris?" Ad arma conclamat: bellum

(nobis dicam, an tibi?) indicit,—et tibi, et nobis. Te, ducem christiani exercitûs, nos, milites, persequitur. Hoc ipso jam tempore, fatalem machinam in tuam [atque] in nostram perniciem educit. Quo tandem fine? Ut tuam tibi authoritatem, nobis vitam nostram, eripiat. Quid hìc agendum? Coarctamur undique, et constringimur. Si, sacramento hoc religionis, fidem regi et reipublicæ obstringimus, fidem Deo et ecclesiæ datam negligimus. Præstari non potest sine gravissimâ divini honoris injuriâ; quinimò, salvâ fide et salute animarum nostrarum: recusari non potest, sine gravissimâ regis offensione. Ita necessum est, ut vel in Deum, vel in Cæsarem peccemus; in Cæsarem, cujus primò authoritate et imperio sancitum est, et jam denuò ab inferis resuscitatum, si recusamus: in ecclesiam, cujus authoritate damnatum est, atque adeo in Deum, si præstamus. Ita nec recusare tutum, nec præstare licitum. Hinc salus animarum, inde corporum periclitatur. Si Cæsarem non audieris, ut patriæ perduellis habeberis; si ecclesiam non audieris, ut ethnicus et publicanus. Vides quantis in angustiis versamur, quo malorum pondere premimur. Non opprimimur tamen, benedictus Deus, et pater Domini nostri Jesu Christi, pater misericordiarum, et Deus totius consolationis, qui consolatur nos in omni tribulatione nostrâ. In omnibus (si gloriari licet) tribulationem patimur, sed non angustiamur: aporiamur, sed non destituimur: persecutionem patimur, sed non derelinquimur: dejicimur, sed non perimus. Sufficit vires Deus, suisque athletis in stadio certantibus robur invictum præstat. Non deest prælianti, qui dat manna absconditum vincenti. Dulce et decorum nobis est, in hoc carcere, in hoc martyrum stadio, in hoc confessorum palæstrâ, exerceri ad prælium, præstolantes beatam spem, et adventum Domini, si tandem in arenam ad fidei confessionem evocamur. Nemo animam suam pretiosiorem se faciet: libentissimè, quotquot sumus, ad sanguinem usque pro aris et focis, pro avitâ religione, pro tuæ potestatis prærogativâ, pro Petri primatu, pro primæ sedis privilegiis, pro patriâ, pro ecclesiâ, pro Deo (ipsius gratiâ adjuti) resistemus. Quàm optamus, insulam hanc nostram, deviantem et à veritatis tramite deflexam, ad unitatem ecclesiæ redire! Quàm optamus errantes oves adducere, ut vocem tuam audiant, ut fiat unum ovile, et unus pastor! Quàm cupimus vineam hanc, à vulpeculis demolitam, in quâ, te jubente, laboramus, pondus diei et æstus sustinentes, vineæ Domini Sabbaoth adjungere! Plantavit eam dextera Domini, multorum martyrum sanguis irrigavit; jam tamen exterminavit eam Sathan, aper de silvâ: singularis ferus depastus est eam. Non jam uvas, ut olim, sed labruscas facit; nec meliorem vindemiam expectamus, quoadusque denuò innocenti martyrum sanguine immadescat. Brevi (quantum auguramur) hoc fiet: jam enim, nescio quo œstro furoris perciti,

redintegratis viribus adoriuntur nos; persecutionis gladium, stillantem adhuc et innoxio martyrum sanguine fumantem, distringunt; fortunarum jacturam, bonorum direptionem, vincula, carceres, cædes interminantur. Quid multa? Catholicorum domos expilant, bona divendunt, mille modis exagitant, premunt, opprimunt; et, quod caput malorum est, fortunis omnibus spoliatos ad perpetuos damnant carceres. Nec hic belli finis. Sacerdotes Domini, à tenebrionum incursionibus nunquam tuti, securi nusquam, si quandò in hostium manus (quod quotidiè ferè accidit) incidunt, calumniis afficiuntur, opprobiis saturantur, vulgi sibilo et cachinnis exponuntur, in ergustula demùm detruduntur. Inibi pedore, squalore, ærumnis conficiuntur; bonorum sodalitio, amicorum solatio privantur; in tenebris vivunt, vel potiùs moriuntur; nonnunquam etiam, non sine ludibrio, ad patibulum rapiuntur. Ex hoc carcere, in quo decem et tres sacerdotes, ob jusjurandum repudiatum, compingimur, ex hâc, inquam, scholâ martyrum, duo ex nostris, quorum memoria in benedictione [est], invictissimi Christi athletæ, pugiles ecclesiæ fortissimi, martyres Dei inclyti, in arenam prodeuntes anno præterito, spectaculum exhibuerunt Deo, angelis, hominibus, nobis verò commilitonibus suis, posterisque omnibus, singularis fortitudinis et invictæ patentiæ exemplum luculentissimum. Alacri animo ad stadium, nullo mortis metu perculsi, nullo tormentorum cruciatu stupefacti, properaverunt; certamen fortiter inierunt, feliciter consummaverunt. Per horum te martyrum sanguinem, per labores et ærumnas, per vincula, carceres, tormenta, cruciatus, per invictam patientiam, [vel] si minùs ista movent, per viscera misericordiæ Dei nostri, partem solicitudinis tuæ afflictissimis Angliæ rebus impende. Tuo obsequio mancipati, tuo ab ore pendemus. Aliquandò ad nos conversus, confirma fratres tuos. Sunt qui inter te et Cæsarem fluctuant, et in duas partes claudicant: tuæ vocis oraculo instruantur; discant ab ore tuo quæ sunt Cæsaris Cæsari, quæ sunt Dei Deo, reddere. Percellatur denuò (omnium una vox est), percellatur jusjurandum illud, à quo, tanquam à fonte, tot mala in nostram perniciem scaturiunt. Percellatur, inquam, et spiritu oris tui percutiatur, idolum hoc, quod populo Dei adorandum proponitur. Saltem, ut veritas magis elucescat, altiùsque omnium mentibus inseratur, dignetur sanctitas tua palàm omnibus facere, quænam illa sint in hoc religionis sacramento, quæ apertè fidei et saluti adversantur. Multa hujusmodi esse clarè liquet ex brevi illo apostolico, dato 10 calendas Octobris, anno Domini 1606, quo docemur, juramentum hoc fidelitatis, hâc verborum formulâ conceptum, non posse præstari salvâ fide et salute animarum nostrarum, quia multa continet quæ apertè fidei et saluti adversantur. Quænam illa sint, quoniam adhuc non ita liquidò constat, scire valde discupimus. Justis demùm

increpationibus corripiantur illi, et virgâ disciplinæ castigentur, qui, Cæsari magis quàm tibi et ecclesiæ obsequentes, prosternunt se in terram, et idolum hoc, ab hæreticis in tui tuorumque odium erectum, venerantur, pravoque suo exemplo, suis etiam (quod magis dolendum) scriptis, in similem errorem, et ad simile obsequium præstandum, pertrahunt. Tempus planè est, ut hos fratres nostros, filios tuos, tibi immorigeros, nobis molestos, in ordinem redigas. Tempus est, ut in camo et fræno maxillas eorum constringas, qui non approximant ad te; qui, tuæ vocis imperio minùs audientes, refractario spiritu, elatoque supercilio, apostolicis tuis literis reluctantur, authoritati refragantur. Frænum illis injice, qui tibi frænum injicere moliuntur. Tandem te exoratum velimus, ut reverendissimum archipresbyterum nostrum, cujus ab imperio pendemus, eique assistentes venerabiles sacerdotes, consilio, et auxilio, in hâc tantâ rerum perturbatione, adjuves. Si quid à te petunt, quod toti ecclesiæ, quod Angliæ nostræ, quod tibi nobisque profuturum censes, nostro omnium nomine petunt. Illicò ergo exaudi et concede. Nec plura. Benedicat te Deus, Deus noster, teque diutissimè ecclesiæ suæ servet incolumem; nobis verò auxilium mittat de sancto, et de Sion tueatur nos.

Sanctitatis tuæ filii obsequentissimi, incarcerati in Portâ novâ Londini.

| | |
|---|---|
| Reginaldus Bateus. | Gilbertus Huntus. |
| Fr. Martinus Harringtonus, Franciscanus. | Georgius Muscottus. |
| Henricus Mayhewe. | Richardus Cowperus. |
| Johannes Jenningus. | Petrus Nanconanus.[1] |

## No. XXXIX.—(*Referred to at page* 89).

*** *Scriptum pro informatione illustrissimorum dominorum cardinalium sacræ congregationis sancti officii, in causâ benedictinorum Anglorum*, 1608.

[MS. in my possession.]

Quoniam reverendus pater Personius jam antea tradidit illustrissimo cardinali de Bufalis capita quædam accusationum suarum contra benedictinos Anglos, tanquam radices suæ oppositionis, nos, ut tùm sanctissimo domino nostro, tùm vestris illustrissimis dominationibus et superioribus nostris obtemperaremus, ad singula capita, quæ semel legi-

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[1] [To a contemporary copy, which I possess, of this document, the names of all the thirteen priests, then confined in Newgate, are subscribed. The five, which are here wanting, were probably sent up on a separate paper. They are, —Thomas Martin, Richard Smith, Henry Morgan, William Scot, and Thomas Delamore.—*T.*]

mus et memoriæ mandavimus, breve responsum et suo ordine applicabimus.

*Objectio prima.* Qui Angli ex alumnis habitum S. Benedicti sumpserunt, dum vixerunt in seminariis, erant indisciplinati, et discesserunt non sine tumultu.

*Responsio.* Qui primus ex seminario Anglorum Romæ ordinem S. Benedicti ingressus, anno 1588, fuit dominus Gregorius Sayer, qui septem annos collegii Anglicani disciplinam ita exactè observavit, ut tanquam exemplum aliis proponeretur, neque ulla illi pœnitentia vel ob levissimum delictum aliquando à superioribus sit imposita. In monasticæ disciplinæ observatione quàm fuit insignis, tota congregatio Cassinensis luculentum testimonium exhibebit; et tamen tanta virtus, cum summæ doctrinæ publicis monumentis conjuncta, æmulorum calumnias evitare non potuit. Nam jesuita quidam, ut postea alterum adolescentem ab ordine benedictino averteret, affirmare est ausus, eum, qui primus in Italiâ habitum illum indueret, ad id conductum fuisse ab hæreticis, ut alios post se traheret, quominùs patriæ essent utiles, vel certè ut jesuitis sese opponerent. De reliquis, qui, ante missionem in Angliam, hoc est, ante annum 1602, monachi Cassinenses facti sunt, hoc satis sit dixisse,—eos omnes sacerdotes in collegio, superiorum approbatione, fuisse ordinatos, ibique ea omnia munia subiisse quæ non nisi dignissimis et maximè probatis deferri solent; denique, in spiritualibus exercitiis, etiamsi alia via, non ut discolos, sed ut aptos satis qui se societati adjungerent, fuisse ab iisdem allectos. Quòd verò ex seminariis ad monasteria exiisse dicantur cum tumultu, nescimus planè quid sibi velit qui hoc affirmat, cum non modò nullum in alumnis tumultum, sed nec quietis alicujus perturbationem ex cujusquam discessu secutum fuisse omninò meminerimus. Æmulus verò, si aliquid particulare habeat, proferat in medium; neque enim deerit quod singulis respondeatur.

*Objectio secunda.* De vocatione suâ ad benedictinos non expectarunt judicium superiorum, nec rem communicarunt cum illis.

*Responsio.* Nullus fuit omnium qui vocationem suam cum confessario non communicavit, ab eoque jussus rectori non patefecit: sed cum sæpe sæpiùs experti essent se hac ratione non solùm nullum ab eis aut solamen aut auxilium, sed dissuasiones, ac demùm persecutiones, nisi ab incœpto desisterent, reportare, relictis superioribus, quos jam senserant adversarios sibi in viâ Dei, contenti fuerunt judicio illustrissimi cardinalis Alani, reverendissimi episcopi Cassinensis, aliorumque suorum popularium, prudentum, et spiritualium, quos non solùm approbatores semper, sed etiam adjutores vocationis suæ habuerunt apud patres Cassinenses.

Prætereà permirum videtur reliquis omnibus religiosis, hos semina-

riorum superiores tantum sibi sumere, ut de particulari vocatione suorum alumnorum penès illos solos sit judicium, qui, etsi ex anteactâ vitâ et spiritualibus exercitiis utcumque conjicere possint hunc vel illum velle servire Deo in vitâ perfectiore, tamen in quo particulari vitæ statu servire Deo hic aut ille vocetur, hoc non ex rectorum judicio, sed ex anno probationis canonicè æstimatur: et certè falli illos in hoc alienæ vocationis judicio, argumento est quòd multi, qui in suam societatem magnâ facilitate adolescentes se intulerant, ex eâdem posteà iterùm, viri facti, pari inconstantiâ exierant, et aliqui etiam apostatarunt, cum ex non valdè dispari benedictinorum et jesuitarum Anglorum numero, nullus sanè nostrûm quorum ipsi vocationem improbarunt, conservante nos Deo, vel ab ordine suo desciverit, vel in ordine inquietè vixerit.

*Objectio tertia.* Aliarum nationum benedictinos malè informarunt contrà jesuitas, et literis ad collegium scriptis disturbarunt scholarium quietem.

*Responsio.* Nostri officii est superioribus nostris de iis rebus omnibus, quæ ad nos pertinent, reddere rationem. Quocircà cùm multa, quæ delata fuerant nostris superioribus, ab ipsis objecta nobis fuerint, necessitas nobis sæpè imponitur narratione veritatis calumnias diluere, et nostram tueri innocentiam. Sibi igitur, non nobis, imputent, si, dum vera narramus, non bona de illis commemorare valeamus. Literæ verò nostræ, quas quietis perturbationes vocant, in medium ut proferantur petimus; nec solùm ea quæ ad collegia scriptæ dicuntur, sed quascumque alias contra nos habere jactat, ut, illorum sensu percepto, eis satisfacere possimus.

*Objectio quarta.* Odium contrà societatem produnt libris impressis.

*Responsio.* Nos nullum odimus, nullum à nostris librum conscriptum novimus, in quo alia quàm honorifica de jesuitis mentio facta est. Verba tandem prodat, et quid reprehendat videamus. Ipse interim dicat cujus spiritus est liber ille suus de Reformatione Angliæ, in quo contrà nos, Cistersienses, equites Melitenses, et reliquos ordines multa sunt.[1]

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1 [He alludes to the "Memorial for a Reformation in England," in which Persons, having first insisted on the restitution of abbey-lands, as a conscientious obligation, afterwards proceeds to maintain that it would not be "convenient to return them again to the same orders of religion that had them before." "It may be so," he says, "that many houses and families of that order of St. Bennet, or St. Bernard, or of the monastical profession, though in itself most holy, will neither be possible nor necessary in England, presently upon the first reformation; but rather, in place of many of them, good colleges, universities, seminaries, schools for increasing of our clergy, as also *divers houses of other orders* that do *deal more in preaching and helping of souls.* * * * By this manner of restitution, the church of England would be furnished again quickly of more variety of religious orders, houses, abbeys, nunneries, hospitals, seminaries, and other like monuments of piety, and to the purpose for the present good of our whole realm, than ever it was before the desolation thereof; for that they would

*Objectio quinta.* Agentibus Romæ presbyteris appellantibus, decreta est missio benedictinorum in Angliam, ita ut ipsi se unirent in Angliâ jesuitis: ipsi è contrà se unierunt presbyteris appellantibus.

*Responsio.* Agebatur primò de missione benedictinorum in Angliam, et de fundatione monasterii pro illis, anno 1597, à prælatis quibusdam in hac curiâ, nihil adhuc eâ de re cogitantibus Anglis; quod tamen consilium interceptum est tumultu Ferariensi; renovatum deinde, anno 1599, per cardinalem Razzivilium; et continuatum per cardinalem Borromæum; perfectum denique per cardinalem Camerinum (invitis non tantùm jesuitis, sed ipsis etiam [presbyteris] appellantibus), postquam appellantes ab urbe discesserant: ex quo constare potest hujus objectionis falsitas; nam quod ait, decretum fuisse ut benedictini se unirent jesuitis in Angliâ, hoc et pontificis et decreti verbis planè adversatur, et expressè mandato nostrorum superiorum, à quibus injunctum nobis fuerat, ut, nulli partium magis studentes, pacificè cum omnibus viveremus;—quod cuncti pro viribus ita solicitè usque ad hanc diem servavimus, ut nulla nostra actio proferri possit, in quâ uni parti contrà alteram faverimus.

*Objectio sexta.* Recusarunt pacem in Angliâ illis oblatam.

*Responsio.* Frivola hæc objectio longam requirit narrationem, et jesuitis parùm honorificam. Nos hoc solum dicimus quod ad unum solum spectat, qui cum iter tàm longum et periculosum tantis cum expensis susceperit, et ferè annum jam in hac curiâ solius pacis procurandæ causâ, nec sine valetudinis suæ gravi incommodo (ut alia prætermittamus) moretur, non est verisimile eum pacem illi oblatam recusasse, si spem aliquam veræ sinceræque pacis ostensam vidisset.

*Objectio septima.* Appellantes presbyteri tractarunt cum hæreticis magistratibus, præsertim cum episcopo Cantuariensi: appellantibus se univerunt benedictini: ita ipsi cum hæreticis consilia communicant, saltem indirectè; et hæc est multorum opinio.

*Responsio.* Appellantes de suâ communicatione cum hæreticis magistratibus ipsi pro se respondeant; nobis enim nec seritur nec metitur.

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not be so great perhaps, nor so majestical, nor yet so rich, nor would be needful for the beginning; but rather, in place of so great houses, and those, for the most part, of one, two, or three orders, and those also contemplative, that attended principally to their own spiritual good, and for that purpose were builded ordinarily in places remote from conversation of people, there might be planted now, both of these and *other orders*, according to the condition of those times, lesser houses, with smaller rents and numbers of people, *but with more perfection of reformation, edification, and help to the gaining of souls than before;* and those houses might be most multiplied, that should be seen to be most profitable to this effect" (pp. 57, 63, 64). Instead of the knights of Malta, he would have "some other new order erected in our country of religious knights."—p. 79.—*T.*]

Attamen non facilè credimus illos cum aliquo tractasse quod in præjudicium catholicorum fuerit; idque eò minùs, quòd, post hanc calumniam, aliqui eorum martyres sunt, alii, ipsius summi pontificis decreto, archipresbytero assistentes constituti, alii postremò ab ipsis jesuitis in suam societatem recepti, fuerunt. Interim verò optandum esset ut vel ipsi, vel alii quicumque boni catholici, apud consilium regium opinione aut auctoritate valerent, ita ut, eorum gratiâ, vis hujus persecutionis aut tolleretur aut minueretur; neque eorum quemque aut in suspicionem vocandum, aut indignum judicaremus, per quem Deus causæ catholicæ jam afflictissimæ vel levamen aliquod aut solamen afferre dignaretur. Verùm noster favor in appellantes qualis sit suprà diximus in responsione quintâ; ex quo videri potest quàm improbabiliter concludatur nostra cum hæreticis in malo communicatio; et, si in medium afferre liceret particulares utrimque conjecturas, facilè probaretur jesuitas magis quàm benedictinos nimiam habere cum ministris regiis consuetudinem.[1] Hoc certè non gravatim concedimus, benedictinos in Angliâ, ut catholicis plerumque magis gratos, sic magistratibus minùs invisos haberi: id, non solùm ob charitatem antiquam patrum benedictinorum, quibus Anglia et fidei suæ primordia, et reipublicæ ordinem splendoremque acceptum, fert, sed etiam quia suspicione caremus, apud principes quidem seditionum et consiliorum sanguinolentorum, apud privatos verò veluti dominantes catholicorum fidei, et in domibus fidelium despotica imperitantes; quibus suspicionibus jesuitæ laborant.

Quod ad opinionem attinet quam affirmat esse multorum [de nostrâ] cum magistratibus communicatione, nulla sanè ejusmodi opinio est, sed clandestina quædam detractio et submurmuratio, neque ea quidem aliorum quàm ipsorum, qui eam ab ore jesuitarum acceptant. Ut levitèr credunt ipsi, sic aliis temerè divulgare non dubitant: habent enim isti obligatas otiosas quasdam femellas, et juvenes non ita prudentes, quibuscum suspiciones illas suas quas suggerit affectus pythagoricè in-

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[1] [Thus Garnet, writing to the general, in 1603, and speaking of father Cardin, says,—" P. Cardinus jam in procinctu est. Doleo sanè me optimum illum virum videre non posse. *Secretarius eum humanissimè accepit. Regina etiam eum allocutura videbatur, quod sanè nobis perjucundum esset; nec fortasse irrita erit spes*" (Stonyhurst MSS. Ang. A. iii. 31). There is no reason, indeed, to suppose that the object of Cardin's negotiation was criminal. Yet if, instead of Cardin, it had been announced that any but one of his own friends had been received by the secretary, and was expecting an interview with the queen, it is more than probable that Persons would have said, what, with no better reason, and almost at the same moment, he could say of Bluet,—that " neither Anthony Tyrell, nor Thomas Bell, nor other that have precipitated themselves (*i.e. apostatised*) in this time of persecution, did ever engage themselves further with the council than this man seems to have done."—Briefe Apologie, 210.—*T.*]

susurrant. Hi rursùs eas tanquam compertas veritates ubique in opprobrium multorum, etiam sacerdotum, solent promulgare; quod à nobis hoc loco necessariò commemorandum videtur, ut aliquod huic malo remedium possit adhiberi: nisi enim hujusmodi calumniis tandem aliquando finis imponatur, nulla unquam pax potest constitui, quæ diù permanebit.

*Objectio octava.* Etsi cum conventus fieret sex theologorum, ut de juramento per parlamentum statuto quid faciendum deliberaretur, benedictinus ille, qui intererat,[1] juramentum illud esse illicitum tunc teneret, postea tamen, mutatâ sententiâ, idem tenuit juramentum esse licitum, aut saltèm opinionem illorum, qui licitum id putabant, esse probabilem.

*Responsio.* Non solùm in conventu sex theologorum superior Cassinensis accerrimè oppugnavit opinionem archipresbyteri pro juramento, sed etiam omnes benedictini, ante breve apostolicum, hoc juramentum damnaverunt, tanquam intrinsicè malum: undè qui primi in hac causâ mortem passi sunt, alter confrater ordinis, alter monachus, reliquorum monachorum sententiæ obtemperantes, maluerunt injurati mori, quàm jurati vivere.[2] Atque ipsemet monachus, qui præsenti hoc articulo tacito nomine accusatur, simul cum alio monacho, in carcere adhuc superstes, mortem ob juramentum improbatum indies expectat.

Ex quibus licèt hujus calumniæ falsitas satis constet, tamen manifestior fit quòd ipsimet jesuitæ non aliud fundamentum ejus afferunt, quàm literas cujusdam presbyteri Parisiis commorantis, qui se hujusmodi quicquam de benedictinis aliquando aut scripsisse, aut audivisse per alias literas, prorsùs abnegat: et certè, quod ad juramentum attinet, utinam jesuitæ semper in eo rejiciendo parem nobiscum constantiam præbuissent.

*** *Memorial from Father Anselm to Pope Paul the Fifth.* 1608.

[MS. in my possession.]

Beatissime Padre,

Mi commanda l' illustrissimo signore cardinale Bianchetto, di ordine di vostra santità et S. congregatione dell' inquisitione, ch' io a bocca et in scritto risponda et dica quello che io so, sopra quello ch' il padre Personio et gli altri Giesuiti oppongono et pretendono contra il nostro monasterio di Duaco, et contra li monachi Inglesi della nostra congregatione di Spagna, et quello ch' io giudico sarà, per il rimedio di questi

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1 [Father Preston.—*T.*]

2 [He probably means Matthew Flathers and George Gervase, to whom I have elsewhere alluded.—*T.*]

rumori, necessario. Et, in quanto al rispondere, dico, se bene il mondo sta pieno di diverse calumnie seminate, come si a da presumere da quelli ch'adesso si manifestano avanti la sede apostolica per avversarii, et attori dell' istessa pretensione, io, come procuratore generale di detta congregatione e suoi monachi, non posso rispondere giuridicamente, se prima non me si da per scritto quello che li avversarii oppongono. Et, se questo nasce dalli detti avversarii, pare gran providenza loro il volere che quelle cose, che dicono loro contra noi, et non possono ponarle in giudicio, noi altri le dichiamo, accusandosi noi stessi: ne meno pare pretensione di giustitia trattare con V. santità di discacciare i nostri monachi dal monasterio nostro di Duaco, et impedire la missione apostolica, et il ministerio, nel quale attualmente stanno li detti monachi, spargendo il sangue e la vita per la fede cattolica e servitio della sede apostolica; opponendo capi poco honorevoli alli nostri monachi e tutta nostra religione, delli quali non vogliono se sappia la verità. Et in quanto à quello ch'io so, e posso dire per informatione di V. santità in questo negotio, dico che la congregatione di san Benedetto di Spagna, senza interesse nessuno humano che pretenda in Inghilterra, al qual da hora per sempre renuncia avanti vostra santità, mà solo per il zelo della chiesa di Dio, e legge di charità, ha ricevuto molti Inglesi nel suo gremio, e ha fatto, per instruirli e mandarli ad Inghilterra per la predicatione evangelica, duoi collegii nelli suoi monasterii di Spagna, uno di filosofia, e l'altro di theologia; e quelli monachi Inglesi che la detta congregatione giudica idonei, e bene instrutti nella fede e disciplina monastica, e nella dottrina necessaria per la detta missione, li manda ad Inghilterra al proprie spesi della congregatione, offerendo li suoi monachi e facultà al bene commune della chiesa, et in particolare di quel regno: quali monachi hanno fatto il profitto, e dato l'essempio, che altri Inglesi ò oltremontani diranno, che non siano delli avversarii.

Li padri Inglesi giesuiti, sotto la cui cura stanno li seminarii Inglesi, si risentirono tanto, al principio, per questa missione, e che ricevesse nella religione di san Benedetto Inglesi, che fecero gran rumore in Vagliadolid, l'anno 1603, coram nuncio apostolico et coram omni populo, e finalmente hebbero ricorso al consiglio di stato, per impedire la detta missione et il monachato di detti Inglesi, sotto pretesto che non conveniva che altri religiosi n'altre persone entrassero in Inghilterra a la predicatione evangelica, eccetto quelli preti delli loro seminarii, che vanno con la approvatione et sotto loro mani; che altramente saria occasione di discordie; e si lamentano che si ammettano detti seminaristi Inglesi nella congregatione di san Benedetto di Spagna, senza l'approvatione e saputa delli detti padri giesuiti, loro rettore e confessore, et che noi altri le solecitiamo; come vedrà vostra santità

nella lettera e commissione, che da il detto consiglio di stato al cardinale di Toledo, perchè s'informi e proceda sopra questo, et informi detto consiglio e sua maestà, perchè si pigli remedio. Et havendo fatto il detto cardinale, in contradictorio partibus auditis, le diligenze necessarie per sapere la verità, essendo attori gli detti padri giesuiti, si trovò non esser vero che la congregatione di san Benedetto induca li detti Inglesi di vestirsi monachi, nè manco esser' veri li detti inconvenienti, che dalla missione e monachato allegavano; anzi essere grande opera di carità, servitio di Dio e della chiesa; e cosi non solo non fù impedito, come si vede per l'esperienza, ma il detto signore cardinale lodò la parte di sua maestà, e consegliò la detta opera, ringratiando et animando la nostra congregatione.

Di questi monachi Inglesi della nostra congregatione di Spagna, si sono fermati alcuni in Fiandra, prima che entrare in Inghilterra, per aspettar' meglior' occasione, et altri uscendo d'Inghilterra, dando luogo alla persecutione, per poter' far' più frutto; la cui buona vita et essempio è stata tale in Inghilterra et in Fiandra, che l'abbate d'Arras 'gli hà dato il monasterio di Douay; e non solo il detto abbate di Arras, mà altri abbati e prelati di Fiandra gli hanno offerto ajuto, per rifare et ingrandire quel monastero di Douay, et edificare altri in Fiandra, non solo perchè habbiano, per suo ministerio, facile et accommodate l'entrata et uscita in Inghilterra, mà ancora perchè il detto collegio di Douay et altri monasterii delli padri nostri Inglesi possano servire per l'informatione delli altri monasterii di Fiandra, come seminario et scuola, dove si allievi et impari la gioventà monastica di Fiandra. Et oltre di questo, R. P. abbate di san Adriano et altri hanno comminciato à chiamare i detti monachi, per informare i loro monasterii: e questo è quello che procurano il padre Personio e gli altri padri giesuiti Inglesi impedire con tanta sollecitudine, e per tanti mezzi e capi, persuadendo in Inghilterra, in Fiandra, et in Roma, et altri luoghi, quello gli pare necessario per giustificare la sua pretensione: et all' archiduca Alberto dicono che vostra santità non vuole che si stiano in Duaco li detti monachi, nè manco convienne, per alcune ragioni che loro allegano; et alla santità vostra dicono che l'archiduca non vuole, nè manco convienne, per altre ragioni differenti; alle quali, come ho detto, non rispondo, perchè non mi si danno giuridicamente, et perchè, come l'istessi padri giesuiti, e loro padre generale, et anco la santità vostra, sanno bene, in questi rumori io ho sempre ricusato il parlare, ò dare memoriale inanzi à vostra santità et altri tribunali, mà solamente mi sono lamentato con detti padri giesuiti e suo generale, pregandoli e desiderando pigliassimo fra noi altri il rimedio, poi chè non si puo parlare fuori senza parole amare, contra quelli ch'indignamente si levano il

honore; et per questo ho lasciato sin qui, proponendo la carità et honor' de gl'altri all' honore nostro proprio.

Mà adessò dopò chè loro si disculparono, e mi dissero che queste oppositione di Duaco non venivano da loro, e che procuravano in ogni cosa il rimedio, e ne se riserò al meo generale, e frà questo mentre si sono lamentati à vostra santità, e fatto introdurre questa cosa nella sacra congregatione dell' inquisitione, e detto illustrissimo cardinale Bianchetto mi commanda ch'io dica quel che so circa la verità, e quello che mi pare necessario circa il rimedio, dico quello ch'io giudico in conscienza mia di questa causa.

Primo, che il detto padre Personio e altri giesuiti Inglesi non vogliono, per le ragioni che loro sanno, ch'altri religiosi (massime quelli dell' ordine di san Benedetto, i quali sono tanti radicati nelli cuori di quelli Inglesi, per essere stati di loro primi apostoli), nè manco altri cattolici entrino in Inghilterra, se non per mano loro. Et perchè questa mea pretensione non paia giudicio temerario, quando non basti il libro ch'il padre Personio ha scritto sopra la riformatione della nuova chiesa d'Inghilterra[1] (della quale vostra santità havrà havuto notitia), e l'opinione commune, basterà per adesso questa lettera del consiglio di stato, che lo dice chiaro, e li rumori che si sono sentiti, e al presente che fanno questi padri, non solo in Inghilterra et Irlanda, contro li preti secolari et altri religiosi, quali col' martyrio canonizano la sua predicatione. Se non possano negare che siano religiosi, negano il martyrio, come in Giappone; e se non possano negare il martyrio, negano il monachato, come adesso fanno d'un monacho nostro martyrizato in Inghilterra, quale non vogliono che sia monacho.

Et pretendono questi padri che loro soli debbano e possano (per esser' più attivi, ò per altra ragione) entrare et essere apostoli d'Inghilterra et altri regni, e che presumano che in un seminario di catecumeni, governato e ammaestrato per un' giesuita Inglese che hieri (quod dico pro gloriâ suâ) è stato catecumeno e neofito, s'allevino meglio e riescano meglio instrutti nella fede e nella dottrina christiana e religiosa, e più attivi per la predicatione de l'evangelio, che quelli che s'allevano nelli claustri novitiati e disciplina anticha de i monasterii di san Bene-

1 [He alludes to that passage of the "Memorial for a Reformation," in which Persons, having suggested the establishment of "A Council of Reformation," says, that this council must, "presently at the beginning, publish an edict or proclamation, with all severity commanding, under pain of great punishment, that no religious or ecclesiastical person whatsoever do enter into the realm, without presenting himself before the council within so many days after his entrance, and there to show the cause why he cometh, and the license and authority by which he cometh, and to stand to the determination of the council for his abode or departure again."—Memorial, 74, 75.—*T.*]

detto, di dove sono usciti tanti santi e tanti dottori e predicatori, e li primi apostoli d'Inghilterra, e d'altri tanti regni. Chi non dirà questa esser' grande presontione?

Secundo, giudico che, per ottenere questa loro pretensione di esser' soli, e che nessuno altro, che non passi per mano loro, entri in Inghilterra per predicare l'evangelio, ancor che habbia l'autorità apostolica (quod est contra jus divinum et id quod habetur in cap. *In Novo Testamento,* dist. 21), procurano e pretendono che nessuno delli detti Inglesi prendi l'habito di san Benedetto, ne di altre religioni, se nò con consenso e approbatione loro; il quale non solo per l'impedimento della missione è, come io ho detto, contra jus divinum, mà per l'impedimento del monachato è contra la legge et impolso dello Spirito Santo, come sta espressamente dichiarato e decretato in cap. *Duæ sunt,* 19, qu. 2.

Terzo dico ch'io giudico in mea conscienza che tutto, quanto si oppone alli detti nostri padri Inglesi, non è vero; perchè non solo loro hanno havuto per la detta missione l'approbatione di tutta la nostra religione, mà, se vostra santità vuole sapere la verità, haverà dal testimonio di tutti li cattolici Inglesi e Fiamenghi, che non siano, come ho detto, interessati (e quelli che dicono e oppongono in giudicio il contrario, bisogna che lo provino); e che sia vero che li detti capi siano mere calunnie e falsi testimonii, senz' altri fundamenti che quelli che sono detti; e che li detti padri giesuiti Inglesi chiamano e giudicano per criminosi, inquieti, discoli, et ignoranti tutti quelli di suoi seminarii, quali non vogliono esser' giesuiti, ò vogliono esser' religiosi d'altra religione, e massime di san Benedetto; e che di qua nascono li rumori e l'inquietudine che dicono di suoi seminarii, e la mala fama degl' altri ch'entrano in Inghilterra, e non per loro mani; oltre d'altri testimonii che si daranno; volendo la santità vostra che, sopra di questo, si faccia la debita pruova. Basta per adesso il testimonio, ch'originalmente dono e presento à vostra santità, di quali che, meglio di nessuno, possono sapere la verità, e la dicono tanto chiara, con tanto rischio delle persone loro.

Et così concludo circa il rimedio, con dire securamente, che, si Iddio non leva questi pensieri e presuntione alli padri giesuiti, overo la santa sede non piglia, per qualche strada, ancor ch'a loro sia rigorosa, il rimedio necessario, nè questi rumori d'Inghilterra si possano rimediare, nè altri scandali ch'ogni giorno nascono da questa presuntione et emulatione con altre religioni: e protesto avanti vostra santità, in nome della mia congregatione, ch'essa non vuole emulatione nessuna con la detta religione di padri giesuiti, nè con altra nessuna; e che, parendo a vostra santità, se, per evitarla, conviene che i nostri padri si ritirino dalla congregatione, ò sia con honore, ò sia senza honore, è molto

pronta à farlo, e richiamare li suoi monachi; perchè non ha altro interesse che quello della santa sede e chiesa; nè manco vuole altro honore ch' ubidir' a vostra santità.

*Father Creswell to Dr. Worthington, January* 30, 1608.

[Copy formerly in Douay College.]

There is one Matthew Lassels, alias Okely, gone from Valladolid, to come to Douay, who either is slandered, or he has been a very bad instrument in making of parties for the benedictines, who, I think, if they knew his qualities, would use none of his means. But rather, I think, it is the devil who attempts now, by way of lewd persons under pretence of a monk's cowl, what he could not before effect by appellants' cloaks: for neither are such truly and religiously resolved, for the love of Almighty God, to become good monks, nor do they any whit favour of holy St. Benedict's spirit, nor ever are like well to keep his rules. Also another Welshman, I think, will shortly follow him, whom I took up in Seville as poor and bare as a snake; and now he begins to play Æsop's snake with us. For those, and any such other who shall, at any time, come, as sent to you with ordinary letters, know that we mean not to oblige you to receive them: but they are ever desirous to come there themselves, and we have no better means to discharge them quietly, and without public scandal. Wherefore be advised that, except they bring some extraordinary commendations, we leave it to your discretion to let them pass as they come.

*** *Decretum S. R. Inquisitionis, in causâ Benedictinorum; April* 23, 1609.

[Bishop Ellis, in Chron. apud Weldon MS. Collect. i. 75; Copy belonging to Downside College.]

Coràm pontifice, in congregatione S. R. Inquisitionis decretum est, pro parte benedictinorum Anglorum (contra quos postulaverant patres jesuitæ ferri sententiam excommunicationis, si monachi dicti hortarentur alumnos seminariorum ipsorum patrum jesuitarum ingredi ordinem sancti Benedicti), ut, sicut patribus jesuitis sub pœnâ excommunicationis prohibitum fuit, ne dissuadeant alumnis seminariorum suorum ingredi ordinem sancti Benedicti, aut aliam religionem approbatam, ita sub eâdem pœnâ excommunicationis prohibeatur monachis benedictinis ne dissuadeant eisdem alumnis ingredi religionem jesuitarum, aut aliam approbatam; ac mandavit super hoc servari æqualitatem. April 23, 1609.

## No. XL.—(*Referred to at page* 89).

### *Dr. Singleton to father Floyd; April* 9, 1609.

[MS. in my possession.]

Very reverend Father,

My cousin Gerard having appointed me to keep correspondence with you, I make bold to trouble you; especially being of myself not a little desirous to show my affection and obligation I have to you, to whom I am, and was at my being in Rome, so much obliged. I will therefore satisfy your desire hereafter by the posts, in relating every particular news from England: and, for this time, because you shall not think me *sterilis*, it may please you to understand that the benedictines are bridled by certain rules, prescribed by his holiness and sacred inquisition, how to proceed towards the scholars of the seminaries, and in England; which rules do much prohibit their contumacious proceeding hitherto. Don Anselmo, who was agent for them at Rome, is inhibited to go into England, or from Rome, without his holiness's express license. I would now have sent you a copy of the rules, but that John Baldwin assureth me that he hath sent them already. This summer, our nuncius of Flanders goeth in progress, and intendeth to visit Douay seminary and the benedictines' monastery; upon which visitation and information, afterwards dependeth the benedictines' removal or stay at Douay, as Mr. Fitzherbert writeth to me. But this is in secret, till it be done.

You must understand that the benedictines in England receive, as they call them, many *donates* in England, and omit nothing to make themselves populous and a great multitude, imagining to do by numbers what they cannot by virtue.

There is, at this time, come over about bishops, Dr. Smith and Thomas More, and another who went away by Rouen to father Bennet, a capuchin, to draw him to their bend. These two first are gone by Paris, that they may communicate counsels. They are desperate; for they give out that they will not return homewards to England again, unless they prevail. It is thought that they are accompanied with my lord Montacute's letters (and God grant not others!), to deal for the removing of the fathers out of England; and are to make large offers, from those which never intend to perform any of them, to compass what they desire. These men are yet but at Paris, in their journey: with them Mr. Doctor Norton is to encounter, who, for that purpose, is either gone, or to go presently, from Pont-a-Mousson towards Rome. We, here in Flanders, provide to prevent their intended plots, by our letters with the first post.

## No. XLI.—(*Referred to at page* 90).

*** *Articles of union between the Benedictines of the several congregations in England; February* 13, 1610.

[Reyner, Append. 5.]

Primò consentiunt omnes, unionem cordium et affectuum in omni charitate fraternâ debent inter eos fieri; omnemque laborem et industriam ab eis collocandam, ut stabiliatur et promoveatur Anglicana missio ordinis benedictini, cujuscumque fuerit congregationis.

2°. Omnes religiosi, quibuscumque datis occasionibus, reverentèr de se invicem sentient et loquentur: si quæ hactenùs fuerint animorum commotiones, oblivioni tradantur, ac si nunquam fuissent. Nullus suam congregationem alterius congregationi præferat, sed potiùs in omni sermone à diversarum congregationum nominibus abstinebunt, quantum fieri potest; vocabuntque se communiter monachos Anglicanæ missionis. Superiores autem statim imperabunt religiosis suis articuli hujus observantiam.

3°. Omnes necessarium existimant, unum debere superiorem institui super omnes benedictinos in Angliâ commorantes; ideoque spondent fideliter utriusque partis superiores procurare, ut per superiorum suorum licentiam possit hoc sine morâ effectum sortiri. Consentiunt præterea talem superiorem eligi debere per duas partes è sex electoribus in Angliâ residentibus, quorum tres erunt ex antiquioribus habitu congregationis Hispanicæ, tres alii ex antiquioribus habitu congregationis Italicæ, vel etiam Anglicanæ.

4°. Sed priusquàm deligatur prædictus superior, consentiunt, fieri debere omnes constitutiones, quæ ad missionem benè ordinandam fuerint necessariæ; ita tamen ut nulla valeat, nisi in quam duæ partes consenserint: hoc simul proviso, ut, si quisque istorum sex, in hoc et præcedente articulo nominatorum, à conventu seu concilio isto legitimo impedimento absens esse cogatur, tunc locum ejus debeat supplere proximus illi in habitu, ejusdemque cum illo congregationis.

5°. Monachi congregationis Hispanicæ obligant se ad procurandum à superioribus suis actum authenticum, per quem dicti superiores renuntiabunt omnibus titulis et juribus quarumcumque domuum, terrarum, pecuniarum, aut quorumcumque bonorum mobilium vel immobilium, quæ vel nunc sunt, vel in posterùm erunt, in monachorum dictorum possessione, aut illis aliter debita; dictosque titulos et jura appropriabunt monachis missionis Anglicanæ, cujuscumque fuerint congregationis.

6°. Omnes eleemosynæ quæcumque, in emolumentum alicujus conventûs tunc erecti, aut in posterùm erigendi, aut in erectionem cujusvis

monasterii donatæ, applicabuntur secundùm particularem intentionem donatoris; quæcumque autem eleemosynæ alio titulo donatæ cuivis è missione, et è quâvis congregatione (nisi donatæ fuerint ad particularem sustentationem alicujus vel aliquarum personarum in particulari), quamvis alicui particulari congregationi assignentur, tamen applicabuntur communibus missionis in Angliâ necessitatibus sublevandis, et eorum qui fuerint in missione in ipsâ Angliâ, cujuscumque fuerint congregationis,—pro arbitrio tamen et discretione superioris.

7°. Ut autem prædictæ secundi generis eleemosynæ securè custodiantur, consentiunt unum debere depositarium à superiore constitui; qui tamen non poterit de ullâ re disponere, nisi secundùm ordinationem à prædicto superiore acceptam; et tenebitur, quandocumque superiori placuerit, exactam strictamque rationem reddere omnium receptarum et expensarum.

8°. Donec unus superior fuerit electus, licebit superiori Italicæ et Anglicanæ congregationis, æquè benè ac superiori congregationis Hispanicæ, destinare viros idoneos ad conventus, qui sunt vel erunt ultra maria, tàm ad habitum, quàm ad professionem. Præterea licebit eidem superiori congregationis Italicæ atque Anglicanæ destinare ad prædictos conventus quoscumque religiosos dictarum congregationum: quòdque hi tales religiosi ibidem degant secundùm regulas, ordinationes, consuetudines et observantias dictorum conventuum.

9°. In omnibus monasteriis seu conventibus, in posterùm obtentis vel obtinendis, religiosi profitebuntur de congregatione Anglicanâ, et non de aliâ quâcumque.

10°. P. Augustinus, præsens superior monachorum Anglorum congregationis Hispanicæ, fideliter promittit sese, quantum in ipso fuerit, diligentissimè curaturum ut citò procuretur authentica licentia superiorum Hispanicorum, quâ permittatur ut omnes, vestiti habitu sancto Duaci et Dolowarti, post dictam licentiam obtentam et concessam, profiteantur de congregatione Anglicanâ. Denique consentiunt, donec perfectior unio concludatur, nullum à quâvis parte impedimentum ponendum, sed utramque partem laboraturam ad promovendum incrementum Anglicanæ congregationis. Subscriptum per infrascriptos, die et anno supradictis.

F. Augustinus de S. Joanne. F. N. F.
D. Robertus Sadlerus. Tho. P. Cassinensis.
D. Ed. Maihew.

## No. XLII.—*(Referred to at page 91).*

*Breve Confirmatorium Congregationis Anglicanæ Monachorum Benedictinorum, per Cassinenses instauratæ.*

[Reyner, Append. 7.]

Paulus Papa Quintus,

Ad futuram rei memoriam. Cùm, sicut accepimus aliàs de anno 1607, die 21 mensis Novembris, seu alio veriore tempore, quondam Sebertus, aliàs Sigebertus, monachus professus monasterii S. Petri Westmonasteriensis juxta Londinum, ordinis S. Benedicti, congregationis Angliæ, qui in sæculo Robertus Buckleius vocabatur, et, ut asserebat, solus ex omnibus monachis dictæ congregationis Angliæ superstes erat, proindè providere volens, ne jura et privilegia prædictæ congregationi concessa, quæ in eo, uti solo superstite, conservabantur, post ejus obitum deperirent, dilectos filios, Robertum Sadlerum Petroburgensem, et Edwardum Mayheuum Salisburiensem, monachos Anglos expressè professos, dicti ordinis, congregationis Cassinensis, aliàs S. Justinæ de Paduâ, supradictorum superiorum beneplacito in monachos dicti monasterii S. Petri receperit et admiserit, illisque omnia jura, privilegia, gradus, honores, libertates, et gratias, quibus monachi in eodem monasterio sancti Petri professi et habitantes gavisi fuerunt, et ordini sancti Benenedicti in Angliâ competebant, quantum in se fuerat, concesserit: Necnon dilectis similitèr filiis, Thomæ Prestono Salopiensi, Augustino et Anselmo Lancastriensibus, et Mauro Eliensi, monachis similitèr Anglis eorundem ordinis et congregationis Cassinensis professis, alios in monachos, fratres conversos, necnon oblatos, ejusdem monasterii sancti Petri admittendi et recipiendi, eisque jura, privilegia, gradus, honores, libertates, et gratias hujusmodi respectivè communicandi, facultatem impertitus fuerit, et attribuerit; et subindè receptio, et admissio, et concessio, et impertitio, necnon attributio hujusmodi, in capitulo generali dictæ congregationis Cassinensis de subsequente anno 1608, ac die 20 mensis Maii, rata et grata habita fuissent: Item Sebertus, aliàs Sigebertus, habitâ notitiâ confirmationis à dicto capitulo generali emanatæ, illa omnia de novo, die 8 Novembris, 1609, ratificaverit et approbaverit, omnesque in monachos, fratres conversos, et oblatos, per dictos Thomam, Augustinum, Anselmum, et Maurum, ut præfertur, admissos et receptos, similitèr in prædicti monasterii S. Petri monachos, fratres conversos, et oblatos, receperit, et admiserit; eisdem jura, privilegia, gradus, honores, libertates, et gratias hujusmodi respectivè concedendo, impertiendo, et attribuendo, prout in diversis scripturis desuper confectis pleniùs dicitur contineri: Nos dictos Robertum et Edwardum, omnesque alios et singulos in missione Anglicanâ

existentes, monachos Anglos congregationis Cassinensis, aliàs S. Justinæ, hujusmodi receptos et admissos, tanquàm strenuos in vineâ Domini operarios, specialibus favoribus et gratiis prosequi volentes, et eorum singulares personas à quibusvis excommunicationis, suspensionis, et interdicti, aliisque ecclesiasticis sententiis, censuris, et pœnis, à jure vel ab homine, quâvis occasione vel causâ, latis, si quibus quomodolibet innodati existant, ad effectum præsentium duntaxat consequendum, harum serie absolventes et absolutos fore censentes; necnon singularum literarum prædictarum tenores præsentibus pro expressis habentes, motu proprio, non ad ipsorum aut alicujus eorum, aut alterius pro eis, super hoc nobis oblatæ petitionis instantiam, sed ex certâ scientiâ, ac maturâ deliberatione nostrâ, deque apostolicæ potestatis plenitudine, de consilio venerabilium fratrum nostrorum S. R. E. cardinalium, hæreticæ pravitatis generalium inquisitorum, quibus negotium hujusmodi discutiendum remiseramus, receptionem et admissionem dictorum Roberti et Edwardi, et aliorum patrum, in missione Anglicanâ existentium, monachorum Anglorum dictæ congregationis Cassinensis, aliàs S. Justinæ de Paduâ, in monachos prædicti S. Petri, concessionemque, impertitionem, ac attributionem omnium jurium, privilegiorum, graduum, honorum, libertatum, et gratiarum, eidem Roberto et Edwardo, et aliis in missione prædictâ existentibus monachis Anglis, tunc congregationis Cassinensis, aliàs S. Justinæ de Paduâ, hujusmodi per ipsum Sebertum, aliàs Sigebertum factas, tenore præsentium approbamus et confirmamus, illisque inviolabilis apostolicæ firmitatis robur adjicimus; ac omnes et singulos, tàm juris, quàm facti, etiam substantiales defectus, si qui in illis quomodolibet intervenerint, supplemus: decernentes, præsentes literas validas et efficaces existere, et fore, suosque plenarios et integros effectus sortiri et obtinere debere; dictamque congregationem Angliæ, ejusque privilegia, gradus, bona, libertates, et gratias, in dictis monachis Anglis, ut præfertur, aggregatis, et tunc congregationis Cassinensis, aliàs S. Justinæ de Paduâ, verè et realitèr subsistere, prout in dictâ congregatione Angliæ, tempore receptionis, admissionis, concessionis, impertitionis, et attributionis hujusmodi subsistebant, et non aliàs; sicque, et non alitèr, in præmissis omnibus et singulis, per quoscunque judices, ordinarios et delegatos, etiam causarum palatii apostolici auditores, ac S. R. E. cardinales, etiam de latere legatos, ubique judicari ac definiri debere; necnon irritum et inane, quicquid secùs super his à quoquam, quovis modo, scientèr vel ignorantèr, contigerit attentari; non obstantibus constitutionibus et ordinationibus apostolicis, ac ordinis ac congregationis prædictorum (etiam juramento, confirmatione apostolicâ, vel quâvis firmitate aliâ roboratis) statutis et consuetudinibus, privilegiis quoque, indúltis, et literis apostolicis eisdem ordini et con-

gregationi, sub quibuscunquè tenoribus et formis, ac cum quibusvis clausulis et decretis, necnon derogatoriarum derogatoriis, in contrarium forsàn quomodolibet concessis; quibus omnibus, etiamsi de illis specialis, specifica, et expressa mentio habenda foret, eorum tenores præsentibus pro plenè et sufficientèr expressis habentes, illis aliàs in suo robore permansuris, hâc vice duntaxat specialitèr et expressè derogamus, cæterisque contrariis quibuscunque. Datum Romæ, apud S. Petrum, sub annulo piscatoris, die 24 Decemb. 1612; pontificatûs nostri anno octavo.

S. Cobellutius.
Adamus.

No. XLIII.—(*Referred to at page* 95).

*Breve sanctissimi D. N. Pauli Papæ V. pro continuatione, restauratione, ac de novo, si opus esset, erectione, antiquæ Congregationis Anglicanæ.*

[Reyner, Append. 24.]

Paulus Papa V.

Ad futuram rei memoriam. Ex incumbenti nobis desuper pastoralis officii debito, religiosorum omnium prosperum felicemque statum sincero desiderantes affectu, his, quæ propterea providè facta fuisse dicuntur, ut firma et illibata perpetuò subsistant, libentèr, cùm à nobis petitur, apostolicæ confirmationis robur adjicimus, ac aliàs desuper ejusdem officii partes favorabilitèr interponimus, prout conspicimus in Domino salubritèr expedire. Sanè pro parte dilectorum filiorum, monachorum Anglicorum ordinis sancti Benedicti, congregationis Hispanicæ et Anglicanæ, nobis nuperexpositum fuit, quòd aliàs in eorum definitorio statutum et decretum fuit, quòd omnes monachi Anglici dicti ordinis, congregationis Hispanicæ et Anglicanæ, coalescerent in unum corpus, quod esset et vocaretur congregatio Anglicana; ita ut, per hanc coalitionem, et corpus sic unitum continuaretur et restauraretur, ac, si opus esset, de novo erigeretur antiqua congregatio Anglicana ordinis S. Benedicti: quæ congregatio Anglicana, sic stabilita, regeretur ab uno superiore, vocato præside, qui extra Angliam resideret, durante schismate; et à duobus provincialibus immediatè sub dicto præside in Angliâ; parique modo, à prioribus residentiarum, seu conventuum, extra Angliam, ac demùm à certo etiam definitorum numero; ac nulli omnino liceret, nisi dicto præsidi, vel licentiam ad hoc ab illo habenti, facultates aliquas missionis apostolicæ, pro prædicto regno Angliæ, alicui monacho Anglo, ordinis et congregationis Hispanicæ et Anglicanæ hujusmodi, in posterùm concedere, vel delegare; quòdque definitorium prædictum, in quo facta fuit hæc unio, per omnia

habeat vim capituli generalis; ac demùm, quòd monachi missionis juramentum præstarent coràm præside, se accessuros ad missionem, et ut ad hoc à dicto præside astringerentur; prout in scripturis desupèr confectis pleniùs dicitur contineri. Cùm autem, sicut eadem expositio subjungebat, monachi prædicti, pro statutorum, ac decretorum, seu capitulorum hujusmodi firmiori validitate et subsistentiâ, illa apostolicæ nostræ confirmationis patrocinio communiri plurimùm desiderarent, nobis propterea humilitèr supplicari fecerunt, ut eis in præmissis opportunè providere, ac aliàs, ut infrà, indulgere, de benignitate apostolicâ dignaremur. Nos igitur, monachos prædictos specialibus favoribus ac gratiis prosequi volentes, et eorum singulares personas à quibusvis excommunicationis, suspensionis, et interdicti, aliisque ecclesiasticis sententiis, censuris, et pœnis, à jure vel ab homine, quâvis occasione vel causâ latis (si quibus quomodolibet innodati existant), ad effectum præsentium duntaxat consequendum, harum serie absolventes, et absolutos fore censentes, hujusmodi supplicationibus inclinati, statuta, et decreta, seu capitula hujusmodi, authoritate apostolicâ, et tenore præsentium, approbamus et confirmamus, illisque inviolabilis apostolicæ firmitatis robur adjicimus, ac omnes ac singulos, tàm juris quàm facti, defectus, si qui desuper quomodolibet intervenerint, supplemus: Ac insuper congregationi prædictæ, sic, ut præfertur, unitæ, quòd omnibus et singulis privilegiis, gratiis, indultis, facultatibus, ac aliis prærogativis, tàm congregationi Hispanicæ, quàm veteri congregationi Anglicanæ dicti ordinis, seu eidem ordini in Angliâ à sede apostolicâ hactenùs concessis (dummodò tamen sint in usu, nec revocata, aut sub aliquibus revocationibus comprehensa, sacrisque canonibus et concilii Tridentini decretis non adversentur), frui et gaudere liberè et licitè possit et valeat, eisdem authoritate et tenore concedimus, et indulgemus; ac privilegia, gratias, indulta, facultates, aliasque prærogativas prædictas, ad congregationem unitam hujusmodi extendimus, eaque illi de novo, quatenùs opus sit, concedimus: Decernentes, omnes et singulas facultates missionis apostolicæ prædictæ, eisdem monachis contra statutorum et decretorum hujusmodi tenorem quomodolibet concessas vel delegatas, nullas et invalidas, nulliusque roboris vel momenti fore, et esse; præsentes verò literas, validas, firmas, et efficaces existere, dictæque congregationi, sic, ut præfertur, unitæ, in omnibus et per omnia plenissimè suffragari; ac irritum et inane, si secùs super his à quoquam, quâvis authoritate, scientèr vel ignorantèr, contigerit attentari: non obstantibus constitutionibus et ordinationibus apostolicis, necnon ordinis, et congregationis hujusmodi (etiam juramento confirmatis, vel quâvis firmitate aliâ) statutis et consuetudinibus, privilegiis quoque, indultis, et literis apostolicis, eisdem ordini et congregationi, illorumque superioribus et

personis, sub quibuscunque tenore et formis, ac cum quibusvis clausulis et decretis in contrarium præmissorum quomodolibet concessis, confirmatis, et juratis; quibus omnibus, et singulis eorum omnium, tenore præsentium pro plenè et sufficientèr expressis habentes, illis aliàs in suo robore permansuris, hâc vice duntaxat specialitèr et expressè derogamus, cæterisque contrariis quibuscunque. Per præsentes autem non intendimus aliis congregationibus, vel abbatibus exemptis dicti ordinis, aliquod præjudicium inferre. Datum Romæ, apud S. Mariam Majorem, sub annulo piscatoris, die 23 Augusti, 1619; pontificatûs nostri anno 15.

No. XLIV.—(*Referred to at page* 102).

*** *Mandate of the Emperor Rudolph, for the restoration of the Scottish monasteries of Germany to the Scottish monks. Oct.* 8, 1578.

[MS. A. 5, 35, in the Advocate's Library at Edinburgh, pp. 93—96.]

Rudolphus Secundus, divinâ favente clementiâ electus Romanorum imperator, &c., universis ac singulis electoribus, aliisque principibus ecclesiasticis et sæcularibus, archiepiscopis, episcopis, comitibus, baronibus, ac urbium, civitatum, oppidorum, et quorumcumque locorum ac communitatum rectoribus, burgimagistris, et consulibus, ac aliis quibuscumque, &c., salutem.—Cum serenissima princeps, domina Maria, regina Scotorum, consanguinea et soror nostra charissima, oratorem suum, reverendum, devotum, [ac] sincerè nobis dilectum Joannem Leslæum, episcopum Rossensem, certis de rebus ad nos destinarit, inter alia serenitatis suæ nomine exposuit, ejusdem prædecessores, imprimis verò Gulielmum, quondam Achaii regis Scotiæ fratrem, post multa à se præclarè gesta, pio quodam zelo in pluribus Germaniæ locis monasteria ordinis S. Benedicti solis Scotis erexisse, eademque prædiis et agris opimis dotasse, simulque sanxisse ne ullus alius nisi Scotus monachus aut cœnobiarcha ibidem admitteretur; secutum inde esse, ut et plerique Germaniæ principes ejusdem ordinis monasteria erexerint, solis Scotis conferenda,—id quod multa, à Scotis passim per Germaniam continuatâ successione possessa, vel saltem Scotorum adhuc nomine appellata, monasteria abundè testantur: verùm temporis iniquitate factum esse ut pium hoc institutum paulatim neglectum, ac complura hujusmodi monasteria aliis quàm Scotis commissa fuerint. Cum autem, hoc tempore, multi ex Scotis se offerant, qui, tùm morum probitate vitæque integritate, tum singulari eruditione præditi, parati sint fundatorum piorum voluntatem sustinere, omniaque præstare, quæ ad ritus et mores ecclesiasticos componendos, ac juventutis institutionem pertinent, idcircò præfatus episcopus Rossensis, tàm dictæ serenissimæ reginæ, quàm nationis Scoticæ nomine, à nobis obnixè petiit, ut privilegiorum à longo tempore Scotis in Germaniâ quæsitorum conservationi nostro favore et authoritate benignè consulere dignaremur: cui tam piæ petitioni cum deesse non potuerimus, dilectiones et devotiones vestras ac vos benignè

clementèrque hortamur et requirimus, ut erga præfatum episcopum Rossensem, hâc de re cum dilectionibus ac devotionibus vestris ac vobis acturum, tàm benevolos vos exhibere velitis, ut in iis quæ ad hujusmodi privilegia tuenda, ac dictos Scotos in pristinam possessionem restituendos spectarit, nostram hanc commendationem sibi haud parùm profuisse intelligat: In quo dilectiones ac devotiones vestræ ac vos nobis rem gratam facturi estis, Cæsareâ nostrâ benevolentiâ ac gratiâ recognoscendam. Datum in arce regiâ Pragæ, die octavâ mensis Octobris, anno Domini 1578; regnorum nostrorum, Romani tertio, Hungarici septimo, et Bohemici quarto. RUDOLPHUS.

Ad mandatum sacræ Cæsareæ majestatis proprium.
SVICHEUSER, D. P. BERNBURGER, D.

No. XLV.—(*Referred to at page* 110).

*** *Memorial from the superior of the clergy and his assistants, against the Jesuitesses.* 1622.

[Original in my possession.]

Cùm fides catholica hactenùs per orbem terrarum non alitèr quàm per apostolicos viros, virtute et constantiâ probatos, propagata fuerit, emersit tamen nupèr è gente nostrâ quædam societas fœminarum, institutione (ut præ se fert) religiosâ, quæ Angliæ conversione haud secùs incumbere profitetur, ac ipsi sacerdotes apostolicâ authoritate huc in eum finem destinati: cujus instituti primordia, ut nova atque orbi christiano priùs inaudita, cum multorum sibilis excepta fuissent; usque adeo ut sapientissimi quique existimaverint tam inanes muliercularum cogitationes, nullâ ecclesiasticâ authoritate suffultas, quàm primùm in nihilum abituras: eos tamen progressus fecit à paucissimis annis, ut illius alumnæ magno numero in Angliam confluxerint. Quo fit, ut, cum officii mei ratio exigat, non tantùm ne quid in clero peccetur providere, sed etiam ne religio catholica aliunde detrimentum patiatur prospicere, necessarium duxi de re tanti momenti, qualis hæc meritò videri debet, apostolicam sedem certiorem reddere.

Mulieres istæ, quæ se Angliæ conversioni immiscere, et negotium omnium difficillimum aggredi atque attentare non verentur, communi vocabulo nuncupantur *Jesuitrissæ,* quia juxta regulam atque institutum patrum jesuitarum, et sub eorum regimine ac disciplinâ degunt: quamvis nonnulli, in opprobrium tam incongrui instituti, multas alias ridiculas appellationes seu nomina eisdem affingant. Institutum hoc initium cepit à muliere, Mariâ Ward nuncupatâ, quæ priùs vitam monasticam sub habitu ac professione monialium S. Claræ meditabatur, inter quas ad probationem admissa, ad paucos tantummodò menses ibi constitit, sed, mutato habitu, ad sæculum rediit, et exinde ad novum ordinem religiosum excogitandum animum intendebat. Itaque adolescentulas

complures sibi adsciscens, collegium instituit, in quo omnia ad imitationem atque normam patrum societatis Jesu ordinavit, alumnas primùm per biennalis probationis noviciatum exercendo, deinde easdem admittendo ad vota sua simplicia, more societatis, emittenda, tùm verò singulas literis Latinis informando, ad exhortationes publicè habendas, sermones cum exteris appositè miscendos, familias administrandas, aliaque id genus educando, denique probatiores ad missionem Anglicanam, in quâ earum instituti finis potiùs videtur, præparando adornandoque. Hæc est (quantum intelligere potui) illius religiosæ societatis œconomia; quæ si intra suas cellas propriosque parietes se contineret, ad instar cæterarum religiosarum familiarum, laudem fortasse plurimam mereretur: cùm verò apostolicæ functionis munia profiteatur, huc atque illuc liberè evagetur, solum habitumque pro voluntate commutet, sæcularium moribus et conditioni se accommodet, alienarum familiarum administrationes obeat, nihil denique non agat prætextu charitatis in proximum exercendæ, et tamen inter religiosas familias recenseri velit, et pro tali ubique se vendicet, certè multorum piorum censuris et contradictionibus exponitur, præsertim cum sibi planè persuadeant, consideratis summorum pontificum, tùm ante tùm post concilium Tridentinum, decretis, et grassantibus in orbe christiano hæresibus, hujusmodi institutum apostolicæ sedi neutiquam comprobari posse. Ego sanè arbitror, et unà mecum assistentes mei (ne quid dicam de sacerdotibus nostris in genere, de regularibus, et catholicis ferè omnibus, tàm intrà quàm extrà Angliam consistentibus) præfatum jesuitrissarum nostratium institutum pontifici maximo Paulo V., sub cujus pontificatu cœpit, ne quidem unquam innotuisse, aut certè, si innotuerat, ob plurima quæ inde proventura erant ecclesiæ catholicæ incommoda, nunquam fuisse ab eodem approbatum. Ad quod quidem credendum sequentes rationes me movent.

Primò, quia nunquam auditum est in ecclesiâ Dei, ut mulieres, eæque adolescentulæ, quales istæ sunt, apostolicum munus obirent. * * *

Secundò, quia tale institutum videtur directè adversari sacri consilii Tridentini decretis, et summorum pontificum, tàm ante quàm post consilium Tridentinum, decretis. * * *

Tertiò, præfatæ mulieres præsumunt atque authoritatem sibi arrogant coràm viris gravibus, atque etiam quandoque præsentibus sacerdotibus, loquendi de rebus spiritualibus, exhortationes habendi in conventu catholicorum, et id genus ecclesiastica munia usurpandi, ut usu quotidiano compertum est. * * *

Quartò, meritò timendum est, ne, laxatis in hunc modum habenis mulieribus istis, in varios pedetentim errores, ex defectu sani ac solidi judicii, prorumpant, et falsorum dogmatum seminatrices reperiantur in plebeculâ. * * * .

Quintò, in more positum habent hæ jesuitrissæ ut urbes ac provincias regni non rarò obeant, in domos nobiliorum catholicorum se insinuent, habitum crebrò commutent, aliquando incedentes, ut primariæ aliquæ dominæ, in rhedis seu curribus, cum comitatu non contemnendo; aliquando, è contrario, tanquam vulgares quædam famulæ, aut viliores è plebe mulierculæ, solæ et privatæ. Quàm verò periculosum multisque scandalis obnoxium sit, ut mulieres domos in hunc modum circumeant, huc atque illuc pro libitu excurrant, et, pro variis quibus ducuntur desideriis (ut de similibus apostolus observat, 2 *Timoth.* iii.), modò publicè, modò privatim, modò habitu illustri, modò vili, modò in urbibus, modò in provinciis, modò plures simul, modò solæ, inter homines sæculares et non rarò quoque malis moribus affectos conversentur, quisque facilè viderit. His addo, quòd familiare ipsis sit è Belgio in Angliam, et ex Angliâ rursùs in Belgium, è re quâlibet natâ, transmittere, atque ita, ultrò citròque commeando, muliebrem modestiam multorum obloquiis objectare.[1]

Sextò, religioni catholicæ magno opprobrio sunt atque dedecori, usque adeò ut non solùm hæretici (quibus istæ in publicis declamationibus multos ludos faciunt) fidem catholicam hoc nomine calumnientur, quasi non alitèr quàm per otiosas et garrulas mulierculas supportari aut propagari posset, sed etiam inter gravissimos catholicos hujusmodi institutum valdè malè audiat, à quibus illius alumnæ nunc *Moniales Cursatrices* (*Galloping Girls*), quòd huc atque illuc obequitent, nunc *Apostolicæ Viragines,* familiari idiomate nuncupentur. Præterea, tantam

[1] [Mrs. Mary Alcock, the first mother minister of this institute, speaking of Mrs. Ward, says,—"She came like a duchess to visit the Ignatian prisoners at Wisbeach, in a coach, attended with two pages riding with her in the said coach, and two or three attendants of her own sex":—and she adds,—"It is notorious that Mrs. Ward and her company lived at Hungerford House, in the Strand, very riotously, with excessive charge both for costly garments and dainty fare; not omitting to dress herself and the rest in the newest and most fantastical manner, then and yet used by that company, viz., yellow ruffs, &c. * * * They carried themselves so vainly at the said Hungerford House, and I may say immodestly in attire, that they were esteemed courtisans, and suspected, &c., as Mrs. Ward's own brother (now called Mr. Ingleby) with others will testify:—for even then, in their chiefest jollity, they had intelligence of a search to be made, and not apprehending the cause, they sent one of sir Francis More his younger sons to enquire, who found out and brought them news, the cause of the search intended was, upon suspicion that they were common women; whereupon they dispersed suddenly. * * * One time, she (Mrs. Ward) dressed her own natural sister, Barbara Ward, in a taffeta gown and rich petticoat, &c., trimmed of the newest fashion, in deep yellow ruffs, &c., her breast bare down to the girdle, and sent her, with one companion drest in like sort, to lie in an inn, to gain souls, she said:—but it is unknown hitherto of any soul gained to God by that course" (MS. in my possession). It is evidently to these proceedings that pope Urban the Eighth alludes, in the breve of suppression:—"Clausuræ legibus non adstrictæ, pro libitu divagari, ac, *specie salutis animarum promovendæ*, alia opera permulta sexûs et ingenii imbecillitati, *et*

in verbis garrulitatem et loquacitatem præ se ferre, tantamque in communi consuetudine audaciam et temeritatem ostentare deprehenduntur, ut multis piis non tantùm fastidio, sed et magno scandalo plerumque sint, cùm videant plurima ab iis fieri ac dici tùm sexui suo incongrua, tùm religioni catholicæ, inter medias hæreses laboranti, importuna atque incommoda; quibus proindè apostolica illa sugillatio aptissimè convenire videatur,—"Otiosæ discunt circuire domos; non solùm otiosæ, sed et verbosæ et curiosæ, loquentes quæ non oportet" (1 *Timoth.* v.).

Septimò, observatæ sunt nonnullæ ex his fœminis jesuitrissis, publicè in hunc modum se gerendo, pessimâ famâ laborare, et ob petulantiam et impudicitiam plurimorum in ore versari, cum maximo catholicæ religionis scandalo atque dedecore.

Quibus omnibus ritè consideratis, meritò demiramur quid sibi velint patres societatis, dum seipsos harum muliercularum moderatores, patronos, ac vindices asserunt, cæteris omnibus regularibus, sacerdotibus, ac laicis ipsis reclamantibus, et hujusmodi institutum, veluti plurimis periculis scandalisque obnoxium, undequaque improbantibus. Satis enim constat, patribus jesuitis ex ipsorum regulæ præscriptis expressè interdictum esse, ne se mulierum quarumcumque moderamini implicent vel immisceant: et tamen iis solis ita utuntur jesuitrissæ in totius vitæ rerumque suarum, tùm in Angliâ tùm extra Angliam, administratione, ut piaculum ipsis videatur alium quemcumque sacerdotem, præter jesuitam, vel ad conscientiæ suæ secreta in sacramento pœnitentiæ percipienda admittere.[1]

His adjici posset, quòd gentis nostræ sanctimoniales Lovanii et Gravelingæ in Belgio, in monasticâ disciplinâ sanctè conversantes, sæpius conquestæ sint, complures nobiles virgines ex Angliâ trajicientes, animo sua monasteria ingrediendi, seseque vitæ religiosæ addicendi, ab istis jesuitrissis ad suum institutum, veluti regulam majoris, vel certè haud inferioris, perfectionis, veteratorie abductas fuisse. Sed hæc ad jesuitrissarum institutum, et normam vitæ dignoscendam sufficient. Suæ sanctitatis erit de eisdem constituere, quemadmodùm Spiritui Sancto atque ipsi visum fuerit.

Joannes Colletonus, *sustinens vices archipresbyteri Angliæ.*

| | |
|---|---|
| Joannes Michellus, *Assistens.* | Josephus Harveus, *Assistens.* |
| Joannes Bosvile, *Assistens.* | Rogerus Stricklandus, *Assistens.* |
| Odoardus Bennettus, *Assistens.* | Ricardus Buttonus, *Assistens.* |
| Cuthbertus Troloppus, *Assistens.* | Humfredus Hanmerus, *Assistens.* |
| Joannes Jacksonus, *Assistens.* | |

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*modestiæ muliebri, ac virginali præsertim pudori* minimè *convenientia*, attentare et exercere consueverunt."—Breve of Urban VIII. Jan. 13, 1630.—*T.*]

[1] [Mrs. Alcock even says that, whenever a jesuit "came to celebrate at their

## No. XLVI.—*(Referred to at page* 111).

*** *Decreta et processus contra Jesuitrices*, 1628.

[From the handwriting of Dr. Smith, Bishop of Chalcedon, in my possession.]

*Decretum particularis Congregationis, habitæ* 13 *Aprilis*, 1622.

Fuit congregatio particularis in Vaticano post congregationem sancti officii, cui interfuerunt quatuor cardinales. In eâ primò, juxta sanctissimi domini nostri mandatum, actum fuit de instituto jesuitissarum, et circà illud prædictorum cardinalium sententia fuit, hujusmodi instituta fœminarum viventium in communi, sine clausturâ et votis substantialibus, esse à sacris canonibus et constitutionibus pontificum improbata ac expressè prohibita (in cap. '*Periculoso*,' de statu mon. in 6. Decretalium: in Conc. Trid. sess. 24, c. 5, de Regul.; ac demùm in constit. Pii V., incipiente "*Circa Pastoralis Officii*," sect. "*Mulieres quoque*"); et proindè institutum prædictum jesuitissarum iisdem juribus est prohibitum et improbatum; et tantò magis, quantò, ultra vitam communem quam sine clausurâ vivunt, scholas quoque puellarum, more patrum societatis, exercent, facetiam, ut aliqui dicunt, missiones facere intendunt, si non quoad sacramentorum administrationem, saltem quoad prædicationem evangelii.

Secundò, actum fuit de modis quibus huic instituto obviari possit, antequàm ulteriùs progrediatur, ac augmentum suscipiat, ut postea supprimi requeat. Et circà hunc articulum, iidem illustrissimi dixerunt, quoad jesuitissas Germaniæ, nuncio cæsareo instructionem mittendam esse, cum speciali mandato ut, juxta illam, cum imperatore et imperatrice, qui prædictis jesuitissis favere dicuntur, ac ipsius confessario et consiliariis, de hujusmodi negotio seriò pertractet; et, postquam illis annuerit institutum hujusmodi esse à juribus suprà allegatis improbatum et prohibitum, et gravia recensuerit inconvenientia quæ in Dei ecclesiâ succedent, si fœminæ præfatæ contra allegata jura permittantur vivere in communi et sine clausulâ, scholasque exercere, ac per mundum vagari, maximè prædicando evangelium, eundem imperatorem roget, rogetque confessarium et consiliarios ei suadere, ut ordinariis Germaniæ, quibus de illo supprimendo scribendum erit, opem et auxilium præstet, ut vel extinguatur ac penitùs deleatur hujusmodi institutum, vel dictæ fœminæ compellantur ad emittendum, sub aliquâ à sede apostolicâ approbatâ regulâ, professionem, cum tribus scilicet votis

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chapel, both Mrs. Ward herself, and all the superiors, together with the whole company, should be commanded to be present at his mass: but, on the other side, if a secular priest offered the divine sacrifice, no regard would be made;—only a few young girls, their scholars, would be permitted to be present." MS. in my possession.—*T.*]

substantialibus et clausulâ, more cæterarum monialium: Quoad jesuitissas verò Belgii, in eundem sensum nuncio Belgii scribendum esse, ut simile officium cum serenissimâ infante (quæ et præfatis jesuitissis favere dicitur) ac illius etiam consiliariis peragat, ut idem quod de imperatore dictum est præstare velit.

*Decretum S. Congregationis de Progagandâ Fide, habitæ coram sanctissimo, die 7 Julii*, 1628.

Referente illustrissimo cardinale Borgiâ decretum particularis congregationis, habitæ in Vaticano die 13 Aprilis, 1628, de jesuitissarum instituto, sacra congregatio illud confirmavit et approbavit, et mandavit nunciis cæsareo et Belgico scribi juxta illius continentia, et nuncio Neapolitano præcipi ut, habitâ consultatione cum illustrissimo domino Boncompagno, idem institutum in eâ urbe prohibeant; compellendo jesuitissas illic degentes ut ab eo omninò [recedant].

*Literæ D. Nuncii ad Archiepiscopum Colonensem. Dec.* 20, 1628.

Serenissime ac reverendissime Domine, Princeps Elector, Domine colendissime, jubeor ex mandato sanctissimi et sacræ congregationis cardinalium de propagandâ fide, ut cum ordinariis legationis meæ agam, intrà quorum diœceses sunt collegia virginum Anglarum, quæ jesuitissæ nominantur, quò vel illarum domicilia dissolvantur, vel ipsæ saltem amplectantur institutum ordinis alicujus approbati à sede apostolicâ, et vota religiònis substantialia clausuramque profiteantur. Idcircò quia serenitas vestra tùm Coloniæ tùm Leodii domicilia virginum Anglarum habet, velim ut, juxta desiderium sanctissimi et sacræ congregationis, utrobique hanc eis deliberationem, Coloniæ per reverendum suffraganeum Colonensem; hîc autem Leodii, per reverendum suffraganeum Leodiensem, seriò præcipiat. Quòd si serenitas vestra existimet posse efficaciùs rem urgeri ex eo quòd ego ipse cum ordinarii authoritate adjungam me etiam, et idem pro parte muneris mei procurem, equidem id libens agam: sed fortasse consultiùs fuerit, si viâ usitatâ res procedat, et per ministros antistitis proprii transigatur. Treveris, perindè cum illustrissimo archiepiscopo atque electore agam, quemadmodùm agere debent in legationibus suis illustrissimi duo nuncii Viennensis et Bruxellensis, ad quos similia decreta ac mandata sanctissimi ac sacræ congregationis transmissa sunt, &c.—Leodii, 20 Decembris, 1628.

Serenitatis vestræ

Addictissimus et observantissimus servus,

PETRUS ALOYSIUS, Episcopus Tricariensis.

*Copia Decreti per Ordinarium, ad instantiam Illustrissimi et Reverendissimi Nuncii Apostolici per tractum Rheni et alias inferioris Germaniæ partes, de mandato Sanctissimi, contra Jesuitissas Anglas lati. April* 30, 1630.

[MS. in my possession.]

Ferdinandus, Dei et apostolicæ sedis gratiâ archiepiscopus Coloniensis, princeps et episcopus Leodiensis, &c.—Cum sanctissimus pater noster, Urbanus VIII., novum institutum jesuitissarum, quæ ex Angliâ originem habent, suppresserit, uti à sede apostolicâ nunquam approbatum, nobisque illustrissimus dominus Petrus Caraffa, episcopus Tricaricensis, intentionem ejusdem sanctissimi indicaverit,—hinc est quòd nos, ejusdem voluntati satisfacere volentes, supprimimus, et suppressum declaramus, collegium jesuitissarum in civitate nostrâ Leodiensi existentium; manifestumque esse volumus easdem jesuitissas, post hujusmodi nostri edicti promulgationem, nec esse, nec haberi religiosas particularis alicujus instituti, sed filias potiùs laicas, nisi monasterium aliquod ingrediantur, cujus institutum sit à sancta sede apostolicâ approbatum: Mandantes ne in posterùm dictæ jesuitissæ gestent habitum religiosum, et ne habeant etiam oratorium vel ecclesiam particularem in quâ celebretur, ne campanis vel sepulturâ communi utantur, ne sint capaces piorum legatorum, uti per has præsentes nostras dictorum legatorum declaramus incapaces. Mandamus insupèr omnibus presbyteris et pastoribus, sub excommunicationis pœnâ ipso facto incurrendâ, ne in earundem domo celebrent, aut sepulturâ communi donent. Datum in civitate nostrâ Leodiensi, hac Aprilis ultimâ, 1630.

Lectum et in scriptis promulgatum est eâdem die, per reverendum dominum vicarium Leodiensem, præscriptum decretum (præsentibus generoso domino Adriano Flerontino, canonico Leodiensi et præposito Mabbediensi; reverendo domino Joanne Baptistâ de Ninis, illustrissimi domini nuncii apostolici auditore; Zachariâ Cools, presbytero capellano S. Martini; et me, notario infrascripto) dominabus jesuitissis Anglis, videlicet, Annæ Buskell, provincialissæ, Annæ Copley suppriori, Annæ Gage, Elizabethæ Hall, Brigittæ Hyde, Catharinæ Smith, Annæ Morgan, Elizabethæ Thamny, Helenæ Pick, Franciscæ Fuller, et Franciscæ Poinets. Quo decreto illis idiomate Gallico explicato, dicta domicella Anna Buskell provincialissa, et prænominatæ consorores declararunt, uti filiæ obedientes sanctæ matris ecclesiæ, velle se prædicto decreto obtemperare, petito tamen ad illud decretum executioni demandandum termino competente, et ut, illo pendente, de suis rebus possent disponere; quibus ad illum effectum dictus reverendus dominus vicarius terminum quadraginta dierum, ab hac die inchoandorum, et proximè finiendorum, concessit. Super quibus, &c.

## No. XLVII.—(*Referred to at page* 120).

### *** *Father Silisdon to Father Owen.* July 5, 1614.

[Original, Stonyhurst MSS. Ang. A. iv. 9.]

Pax Christi,

Right reverend dear father, your letters of the fourteenth of June both to father Nelson[1] and myself have been of extraordinary comfort, approving what was proposed for the removal of one of our families to Liege; the conveniency whereof we daily see better and better: and therefore, accordingly, to cooperate to our power, I have drawn a letter in Italian for Sir William[2] to father general, wherein the good knight declareth to his fatherhood the common joy of our nation, in the erection of our two houses, and the hope that is conceived of great good to our country thereby. And because the house where they are seemeth very fit for one family, and too strait for both, he offereth to see one of the families provided of a house; desiring that it may be in Liege, both for the interest he hath in that province, and for the great good may there be done to many of the nation of the best sort, who yearly in great multitude resort to Liege, by occasion of the spa waters; and, lastly, for that there his father may serve himself of father Gerard, his cousin, whereof he sheweth great desire. He endeth his letter, telling his fatherhood that he will receive it for a great favour, to be used in this business, which he doubteth not will be greatly to the furtherance of our country's conversion, and a thing wherein his fatherhood shall receive great comfort.

I went yesterday morning with this letter to the knight; and, having declared the whole business unto him, he took it exceeding kindly, that we would use him in a business so grateful unto him; offered not only his name and countenance (which only we asked), but also to concur thereunto. I read him a clause of your letter to father Nelson, wherein you made mention of your approbation for using his name; which did greatly comfort him. In fine, the letter was given to Mr. Whitmore, and I stayed till it was ended, subscribed, and sealed. But my haste was such, as I forgot to ask the original, which I had intention to send to your reverence; the want whereof I hope is sufficiently supplied by the relation I have made of the contents. It may please your reverence to be present (if it may be) when father general readeth it, for I hope it will work a good impression in him, if he read it himself, as I assure myself he will, if it be told him from whom it comes.

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[1] [The assumed name of Father Gerard. *T.*]
[2] [Sir William Stanley.—*T.*]

I desire much also that, upon the receipt hereof, sir William's kindness towards us may be acknowledged by two or three words from yourself, and *that*, both for this favour, and for another great alms he hath bestowed upon our college, which will be as good unto us as seven hundred crowns; to say nothing of divers other small favours he hath done us, as twenty pounds he gave, not long since, to make up the rich stuff Mr. Young bestowed upon us for our church, &c.

The next week, we shall understand father general's mind about our removal, and from yourself what house shall stay; and then we will procure sir William to make a journey to Liege, or at least Mr. Whitmore for him, to deal with the prince (in whom he hath great interest), and see the houses that may be had; which second we have already done, by father Browning, who hath taken a view of divers houses there, and hath given good relation of the fitness of divers which may be had for our purpose. And, having proposed what I thought myself bound, for the commencing of removing the college, and leaving the novitiate here, I shall have no difficulty to satisfy myself with what superiors shall appoint, though new reasons daily [rise] which confirm [me] more and more in that opinion. And it is not two days since there came a friend unto me, declaring what emulations were likely to arise against us and our schools, if we kept not ourselves wholly within ourselves, and in a manner never shewed our heads. And what good affection this people beareth unto us may easily be seen, by the false rumour which still goeth in the town, that the plague is in our houses; whereby they would avert, if it may be, all from coming unto us. A good friend of mine advertised me by a letter, that the magistrates have lately entered into counsel about us, and that relation was made of thirty sick in our house, and that eight died in a day; whereas, since the fourth that died, we have not had any one, that I know of, in either house in the infirmary. The truth is, our society being not affected by the university, nor much by the town, they are loath we should increase or multiply here, especially within shew of their schools. And whereas Mr. Conyers was about hiring the castle hard by us (which since Puteans took), there want not of them that opposed, saying that it would finally be taken for us; and though it be a place of no strength, and wherein long time an ale-house was kept, yet jealousies were framed hereupon, as if, forsooth, we were to be too strong in the town.[1] Now, in the stay of the novitiate, there will not be any difficulty either in the town, or with the university; and for a novitiate the place is as convenient as may [be] wished, and contrary for a college; for we can

[1] [There is an account of this in More, 411, 412.—*T.*]

neither preach nor do anything, which in colleges is accustomed to be done, with any satisfaction either of masters, scholars, or friends. And these difficulties being as they are, if we settle the college in this town, besides other troubles, your reverence will be continually troubled with all the nation, who, feeling the difficulty of coming unto our schools, and for other occasions, still urge us to take a house in the town among them, which for the novitiate they would never do, nor ever did before the college began. But God's blessed will be done, wherewith, for my part, I shall rest, I hope, contented; endeavouring also to satisfy others; though the continual difficulties be a thing too violent to continue long in, without complaint both of friends abroad, and masters and scholars at home.

I am right glad your reverence hath already informed father general of our provincials' charitable desire to assist us, in removing the novitiate to any place, either in his province or in any other. I hope you have also made father Talbot author of that information, as indeed he was. Yet, if I can guess without error that the sun shineth, when I see, I can say also that our removal out of the province will touch him to the quick, and, unless it be prudently handled, they that remain will be in danger to feel the smart of it. For father provincial is so desirous to have all under him, as he still retaineth his old conceit, and hath hope to get the seminary of St. Omer's to be adjoined to his side. The emulation also between the provinces daily increaseth, for aught I see; and, therefore, as this readiness of sir William will help us much, so, to take away all doubt and suspicion, I think it would import greatly, if it pleased your reverence by this occasion to write to father provincial, giving him thanks for his charitable offer to father Talbot, to settle us in any convenient place, either in his province or out of it; and then signifying how, having intention to consult with him of the place, you were called for by father general, and acquainted by his fatherhood of sir William's offer, which his fatherhood commandeth, without further deliberation, to be accepted of; our poverty not permitting us to refuse so great a help;—that your reverence knoweth well we, here, will be loath to leave the province and himself; having found him so kind a father unto us.[1] Some such thing, I am of opinion, coming from your

[1] [All this, as the reader will remark, was untrue;—for the application had clearly not yet been made to the General. Perhaps I may be allowed to add, that, with this evidence before us of the jealousies existing even among themselves, it is scarcely too much to conclude that the same cause may, partially at least, have operated in producing the misunderstandings and divisions so constantly observable between these same fathers and the secular clergy.—*T.*]

reverence, will take away, in great part, if not wholly, the unkindness which will otherwise be taken at our departure.

* * * *

I humbly take leave, commending me to your holy sacrifices and prayers. Louvain, this fifth of July, 1614.

R. V. Indignus in Christo servus et filius,

HENRY SILISDON.

*** *Father Gerard to Father Owen. Aug.* 9, 1614.

[Extract from the Original, Stonyhurst MSS. Ang. A. iv. 14.]

Pax Christi.

I have yours of the nineteenth of July. * * * Concerning the intention of going to Liege, your reverence doth now know by former letters wherefore we thought of it. And that was written when we thought father general would have had no difficulty of the removing of the novitiate thither: and since that also, the cause of his doubt being removed by the prince's grant, father Silisdon thought it fit I should go thither; but himself would not go, lest it should hereafter be thought by the province here that he was a furtherance to the remove. I found my going very needful; and found (as in my last I wrote unto your reverence from thence) such a commodity both in the bargain itself, considering the price of other places in that town, and for a commodious seat for a novitiate, that I judge it no small loss unto the mission, if by any mischance or danger of delay it should be hindered. The place will be as big, I think, if not bigger than Watten is within the walls, and as private as that, or as I would wish a place to be. Then hath it the security of being within the walls, in so strong a town, and of being near the market and all commodities of the city: so that I know not where we can expect the like seat, if we should fail of this. Father Silisdon thinketh it is best absolutely to take it (as father Flerontine did think also), seeing now the prince's grant being so obtained, there is no cause to doubt of the proceeding of it: and indeed I am of the same opinion also, for two reasons,—one, for that the matter being passed so far with the archduke, doth in a manner necessitate the removal of the novitiate, and that as soon as may be; the other, for that, if both these families should seem to remain here still, yet, as your reverence wrote to me, and more to father Silisdon, you have means to begin a new house at Liege: and so it would be great oversight if we should let such a bargain be taken out of our hands, the like whereof, I think, will hardly be found again, though for double the price. And, besides this, there is another consideration, for which our father rector thinks it very needful that sir William should presently send to take it.

The doubt, I hope, is not likely, but yet it is very possible; to wit, that, whereas the college of Liege hath a place of recreation, with a good deal of ground unto it, out of the town, when father Flerontine did see these houses to have so much ground, and to be so cheap, within the walls, he was very inquisitive of the goodness of the ground and fruits, &c.; and afterwards, talking with me about the vineyard, or place of recreation, which they have had, this good while, out of the town, he told me it was very barren ground, and, I think, very painful to go unto, as being indeed upon a high hill. I did then reflect upon his words, lest he should think to change for this other; and father Silisdon thinks it so likely, that he thinks it necessary to prevent it.

And now we have both been, since the writing of the aforesaid, at Mechlin, with the good old knight,[1] whom, as before, we find willing to undertake the business; and upon answer of his letter, which we expect this week, will send Mr. Whitmore to Liege, to take it in his name. He will also lend us £200 towards the price of it, which, it may be hereafter, he will give, or, at least, half of it; and, if he do, that, with brother William Brown's, will wholly pay for it. And, indeed, I should be loath to have such a rent as £50 a-year every year to pay. Sir William will also write an effectual letter to the prince of Liege, to recommend unto him the protection of the whole; which also I doubt not to have much strengthened by our friend Mr. Morton, either by letters, if he come not back this winter, but especially by word of mouth, if he do return the sooner. * * * This ninth of August, 1614. R. V. servus et filius indignus,

Jo. Nelsonus.

*** *The same to the same. Sept.* 12, 1614.

[Extract from the Original, Stonyhurst MSS. Ang. A. iv. 20.]

Admodùm reverende in Christo Pater,

Pax Christi. By yours of the first of August, I do both perceive the grant which you obtained of father general, and withal, your fatherly care that it may proceed with all security and speed, whereof, amongst other your provident helps, that twice-written letter to father Flerontinus is a sufficient argument. We received yours on Tuesday night: on Wednesday morning, I sent that of yours to father Flerontinus, accompanied with one of my own, by an express messenger; and therein also promised that sir William would send his kinsman, within two or three days, with letters unto the prince, and with full power to beat the bargain for the houses and ground, that it may be ready to be

[1] [Sir William Stanley.—*T.*]

concluded so soon as answer can be had from the prince; that so, no time might be lost, which now will be very precious, considering the many things that are to be done in the business. And so, this Friday morning, Mr. Whitmore went, sent by Sir William. I shall have answer of those my letters, this night or to-morrow; but, I doubt, not before these must be sent away. I make no doubt but now, by God's help and your reverence's fatherly assistance, all matters will succeed well; for of the assent of the prince of Liege father Flerontinus nor father provincial of Belgium never made any doubt.

* * * * *

For other matters, we shall agree here, I doubt not; because, though I know and find that the fathers here are loath to let any thing go from them which they may keep, yet I suppose they will not desire that which directly belongs to the noviceship, especially, seeing I have willingly preferred them before the novices, in Mr. Morton's help (which I hope now will succeed very well), and shall be no less ready hereafter to further them, upon all occasions, and shall now leave unto them the next house and garden, some scores of pounds better than it was, the last year. Besides, most of the wooden stuff in the noviceship they shall have for half the value, with divers other commodities; also the best chalice, which they say your reverence wished them to have, although the giver did send word directly that she meant it for the noviceship. But it shall not be demanded. And father Walpole wrote lately that he had sent some fine pieces of stuff, to furnish the college, because he supposed the neighbour house was reasonably well provided. And so, indeed, all such things will be sent to the college hereafter; and I wish it should be twice so much more: and I myself shall further it, God willing, I hope as much as any one; therefore they shall not need to think much if the poor noviceship desire its own, being now to begin as it were anew. * * * This second of September, 1614.

R. V. servus et filius,

Jo. NELSONUS.

Your reverence will consider whether, if new patents must be made for the rector at Liege, it were not best it should be by the name of *Thompson,* for the more security of those English that come unto me; as father rector's here are by the name of *Silisdon.*[1]

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[1] [From this it would appear that *Silisdon*, which has generally been considered a real, was in fact an assumed, name. Gerard's supposed connexion with the gunpowder plot rendered the concealment, which he here suggests, necessary.—*T.*]

*** *The same to the same. Sept.* 19, 1614.

[Original, Stonyhurst MSS. Ang. A. iv. 22.]

Admodùm reverende in Christo Pater,

Pax Christi.—I have yours of the 30th of August, wherein I find the stay of our business, which those two good fathers would gladly make, by expectation of the provincial's consent; perhaps that so the winter might come on so fast, that then it would be too late to remove. But I think none of these will hinder; father general and yourself so approving the business as you do: and much less will these reasons alleged by them be any cause of hindrance. As for the provincial's approbation, that which was most to be doubted, to wit, that of the provincial of Flanders, we have, under his hand, in answer to father Blackfan, informing him of the matter; and that letter of the provincial I suppose father Silisdon will send unto your reverence by this post. * * * Now, as for the other provincial's approbation, I did send, as I take it, a letter of father Flerontinus, written to me from Lisle, three weeks ago unto your reverence, which, perhaps, will by this time have done some pleasure in the business, sith there father Flerontine writ,—" reverend father provincial *plenè informavi, qui omnia probat.*" And thus much also I hope father Flerontine will write by this week unto father general; for I come of purpose now to Liege, to make stay of the whole business, in case he could not assure us of this provincial's assent. For sir William, having sent Mr. Whitmore, upon his own charge, hither to Liege, with authority under a notary's hand to buy the house, and having himself written so much unto the prince of Liege, would take it indeed very ill, if the matter should be deferred now anew, after so many stays which we caused him to make, before he sent Mr. Whitmore.

* * * *

Now, father, seeing there is sufficient sent this week, by which father general may take notice of both the provincials' approbation, and assurance also given of the prince of Liege, and seeing the house will be bought, and the time of the year (as also the provincial of Flanders his advice) doth require speed in removing, I do hope that, if your reverence have not, before this, procured and sent down absolute order, that, presently upon the sending up of these things, we may in the meantime begin our remove (as being assured of father general his assent, these things being done), yet, at least, upon the receipt of this week's letters, we hope your reverence will inform father general how many inconveniences there will be in longer stay, not chiefly for the carriage (for, with some more cost, I can carry the things any time in

the winter, one way), but for the speech and wonder of all that now will know of it; and the thing being spoken of before it be done, the agent of Brussels may perhaps busy himself, and hope to hinder it, and do harm, though he cannot, I think, hinder (for he may procure letters from England to the prince of Liege, which, before the settling be effected, he cannot with such pretence refuse to satisfy, as afterwards, if they should write, he may and will doubtless, as father Provincial of Flanders doth insinuate in his letters); besides divers other inconveniences,—as, that we know not what to do with some persons that expect to begin and enter here, who cannot do it in Louvain, but they will assuredly be known and talked of: as here is now Mr. Mansel and father Thomas Shelley, whom we kept secret in our college a good while, and sent Mr. Mansel a journey for recreation into France, that he might be thought, in Louvain, to be gone into England; and, at his return, they came privately together hither, by other names, where, the house being bought, they may see to the accommodating of some things in the meantime. Also Mr. Whitmore expects to enter shortly, who must be kept wholly unknown, that, if need be, he may go into England about his business, with his brother;—and he cannot possibly be kept private in Louvain. There is Mr. Lewknor, who growing of late to a full resolution of entering the society, and being so much known in England and in the court as he is, so that he could not be concealed in the English college at Rome, being to go daily to and from the schools, and his father, as he considered, being morally sure to lose his place, which is worth unto him £1000 a-year, and his estate not great besides it, he therefore thought it very needful to stay his journey to Rome, and, having ended some business he hath in Brabant, he will then go into France, and write from Paris to his father that he will go further into France first, and afterwards into Italy, and always shun the company of English, for his more comfort and commodity in his travel, and so he will come privately to Liege, where I doubt not but to keep him wholly unknown. And this may be one reason, it may please your reverence to allege to father general, of the convenience of this place, that, as these gentlemen, so also many others for the same cause, both for their friends and their estates, may be needful to be kept secret; which cannot be at Louvain: and though perhaps your reverence will not allege the like reason for the priests that came from Rome, yet, indeed, that is also a consideration.

Mr. Lewknor is a man, besides his worldly means and kindred, &c., every way fit for our employment. He hath a very good wit, both quick and judicious, and an excellent good disposition, with a fine

behaviour and experience in conversation with the better sort, and, which I most respect, he is and will be a solid, virtuous, and spiritual man. He hath learning sufficient to begin his logic, which, after his novitiate, he may do privately in France, and pay for his board, and yet leave us some good help besides. I beseech your reverence to send order for his admittance. If our business should not proceed this winter, he is then resolved to go and be admitted in France, which yet were inconvenient both for him and for us; for he desireth exceedingly to be where I am.

There is also another reason of importance which your reverence may well allege to father general, which you will perceive by the enclosed letters, which I have endorsed "*soli*," &c., because my cousin Morton doth commend it as so absolute a secret. Your reverence may see in them that, although father Blount made mention in his to me but of one single hundred pounds, yet the party hath granted one hundred pounds a year, and two hundred pounds extraordinary, in respect of the present charges of building and fitting the place for u s all which being granted by the party,[1] not upon father Blount's motion, but upon my letters and my cousin Morton's effectual dealing with him, *et hoc in ordine ad novam transmigrationem*, as I asked it, therefore we cannot accept of this gift in reason, but performing that for which it was asked. And, father, I make more account of having that party thus interested in the business, in respect of his future helps, which thereby will, I doubt not, increase in time to that full foundation, which I proposed in my letters to him, more than for his present gift, although, as you see, it is well worth accepting. Your reverence may assure father general there is no catholic in England so able to give us a full foundation as he is. And I make no doubt, if the rents of Watten should presently be barred from the novitiate, in respect of the remove (which yet the archduke will never do, having given his assent so fully,—and besides, father Silisdon doubts not but to prevent it), yet that our said friend would make it up again presently. Besides that, it may be answered that the seminary having now wanton (*sic*), it need never be known or spoken of, to what place or house the rents go.

As for the other objections, they be of small force; for this cause hath much less cause to fear the Hollanders than Louvain hath, being thrice so strong, and full of people: besides, the Hollanders had never wars against this prince; and their courage is already much cooled by these wars.

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[1] [The party, here alluded to, appears to have been George Talbot, afterwards earl of Shrewsbury, and the great benefactor of the house at Liege. Part of the correspondence between him and Gerard may be seen in More, 413, 414.—*T.*]

There be many causes to be alleged why here, rather than in any place,—as, the commodity of dealing with our English in the summer; the opportunity of keeping our novices unknown; the excellent seat far beyond Louvain, and that bestowed on us; the present helps sent for this beginning, with great likelihood of much more; the great favour which is to be expected from this prince and his family, and is to be strengthened by my two cousins, sir William and Mr. Morton; and sir William hath written unto him that he doth much joy in his cousin, who is there to be rector.[1] He hath written also that he made suit to father general for the remove of the house, which father general having granted, "*facultate obtentâ à suâ celsitudine*," he sends to buy the house upon his highness' grant: so that, in that respect, it would be an inconvenience, if there should be longer stay made; besides the incommodity of late removing before mentioned. * * *

Thus with my humble duty, &c.—From Liege, this 19th of Sep. 1614.

R. V. servus et filius indignus,

Jo. Nelsonus.

*** *The same to the same. October* 3, 1614.

[Original, Stonyhurst MSS. Ang. A. iv. 24.]

Admodùm reverende in Christo Pater,

Pax Christi.—This week I have received none from your reverence, being uncertain of my return, or rather mind to return, to Louvain, before the time of writing. I was advised to stay here, at Liege, until this Thursday, the third of October,[2] to see if any letters would come from the prince; and, if they came not, then to leave order what should be done, when the prince's grant was come; which came now, by this last post, from Cologne, unto the counsellor who had sent sir William's letters, and had written himself to the prince about it. Yesterday, the said counsellor told father Flerontinus, he had now received answer from the prince, who was well contented; and so the house and grounds might be bought as soon as we would. We have also a letter from the prince to sir William Stanley, I doubt not but to the same tenour. Father Flerontinus hath also spoken to the pretor of Liege, who is for the city, and told him of the prince's grant; who answered,—"*Et ego etiam admitto, pater*": so that now, by all advice both here (the provincial being yet here) and from Louvain, the houses and grounds were presently yesterday bargained for, [and] bought in sir William's name,

[1] [Gerard himself, the present writer.—*T.*]

[2] [Gerard appears to have used the old style: Thursday was the *thirteenth* of October, in 1614.—*T.*]

who, to that end, hath sent a procuration to Mr. John Tichborne, instead of his cousin Whitmore, whom now he cannot want, his daughter being come out of England.

But whereas I speak of buying two houses with the grounds, they be not the two houses I wrote first of; for one of them two, which is the dearest, I would not buy, though we buy most of the ground which belongs unto it, bordering upon ours; for which ground we must pay yearly rent (which is onus upon the ground, until it be redeemed) about forty-five florins of this money; and he asketh four hundred florins in present payment. He asked six hundred before; but we hope he will yet fall something. His ground is three journates, of which four make an acre; and it is very good ground, and well planted with trees. * * *

The chief house which we buy is near the walls. It hath, in ground, two large orchards and one garden; in building, it hath some twelve rooms, which, though they be not so big as will be fit for our uses, to continue withal, yet they will serve for the present, and, after we have built the bigger rooms which we shall chiefly want, there is none of these but will serve us to exceeding good use. It hath, besides these rooms, which are all strong and good, one new building of brick, of which all the walls are raised so high, that they only want the roof; and this building will afford us two large chambers, with a fair garret. For this house and the three orchards we must pay one thousand florins, now at the entry, and one hundred and fifty florins a-year, until we redeem it, of which some is redeemable at the twenty years' purchase, some at fifteen: so that all this house, with the grounds, is less than four thousand florins;—and we speak ever of florins of this country, of which seven make but six of Brabant,—twelve shillings English.

The third thing we buy is an old house and grounds, which lies between the two fields, which I first spake of, and this last house and grounds. This house is old, and hath but one great room below, which will make a brewhouse and bakehouse, besides a stable which is already there: and it hath some two or three chambers above, which will serve for good uses. In good ground it hath six journates,—an acre and a half; and it is well planted with trees. For this house and ground we must pay the rent which it now payeth, which is one hundred and forty-two florins; and he asketh, in present money, six hundred florins: but I hope we shall bring him lower. The rent, I hope, may, good part of it, be redeemed at fifteen years' purchase:—so the whole purchase of all three will cost under £200 sterling to be presently paid; and then the rent I doubt not but to get redeemed, by little and little. And so, without borrowing any money presently, with that which we

have already, we shall be able to settle ourselves very commodiously. * * * And this building also shall not be begun, until full consent and order for the transmigration come from father general: but then it had need go speedily forward, as our fathers and brothers of this college, who have great experience by their buildings here, tell us; especially, in providing the materials this winter, or else it will cost us much more: in which respect, I will send your reverence a particular draught of all, as they are already, and what we have need to add, by the next post, and * * you may presently send us word either to proceed or desist.

There is not any more which I now remember, but my humble duty, craving your daily memories. This third of October, 1614.

R. V. Servus et filius indignus,

Jo. Tomsonus.

No. XLVIII.—(*Referred to at page* 125.)

*** *Discorso del Monsignore Malvasia, delle cose di Scozia.* 1596.

[Extract from MS. in the possession of Bishop Kyle.]

* * * Ciò ottenuto *(he is speaking of liberty of conscience)*, sarebbe invigilar continuamente, con l'industria de' buoni padri ed altre accommodate persone, a far il numero de' cattolici tuttavia maggiore, ed indurre di mano in mano in miglior stato le cose loro. Alla qual cosa si procede, al presente, con tanta tepidezza, che in tutta la Scozia non trovano più di quattro o cinque sacerdoti. Nè dal collegio de' Scozzesi, che già fù fondato in Lorena, ed ora, per molte transmigrazioni, si trova ridotto in Lovanio, ve ne possono esser mandati, non avendo quel luogo, per la sua povertà, modo di nutrire più di sette o otto studenti. Già la liberalità di Gregorio XIII. gli soleva dare una commoda provisione, la quale mancatagli sotto il suo successore, se, oltre qualche aiuto del re cattolico, non fosse stata la gran carità del padre Cretonio, Scozzese, a cui veramente se ne deve dare tutta la lode, non si saria anco potuto mantenere col segno che si trova al presente. Però sarebbe opera buonissima di provederli di alcuna entrata; e ciò si potrebbe forse acconciamente farsi, compartendo la grandezza di qualche pensione sopra le diverse batie ricchissime de quei parti, e forse col voluntario consenso procurato con soavità dai medesimi abbati, quando elle anderanno vacando, ed i nominati verranno per le confirmazioni. * * * Non lascierò anco di accennare, se paresse a proposito per farla *(his majesty of Scotland)* risolvere come di sopra, di darli intenzione di rimover da quel regno, almeno per qualche tempo, i Giesuiti, siccome quelli che a lei sono noiosi e sospetti sommamente.

*** *Father Creitton to Father Persons. August* 1, 1597.

[Extract from the original in the possession of Bishop Kyle.]

* * * Giovanni Lesley, nipote ed erede del vescovo di Rossa di buona memoria, m'ha detto che sua santità a ordinato che li fosse pagato quello che li era dovuto della pensione sopra lo vescovato di Cassano, con condizione che facesse parte a questo nostro seminario. Io tengo questo per opera di V. R., e la ringraziamo, e ci saria caro di saper l'effetto. In vertù delle lettere che la riverenza vostra ci portò da Spagna, il serenissimo cardinale archiduca ci a fatto ordinare due mila fiorini sopra le finanze; e questo per una volta sola. Se avesse stato pensione ordinaria, avrà dato miglior animo di andar innanzi, e mantener gli presenti, essendo già venti-due bocche da nutrir, sopra quei sei-centi scudi, ch'avemo in Roma, senza altra intrata, e quella non bene stabilita. Ho scritto di questo a nostro padre, all' illustrissimo Caetano protettore, il quale a promesso di nutrir dodici a sue spese, se il papa no lo volesse fare. Fin adesso, non ne ho ricevuto risposta alcuna. Se la sua santità ci volesse dare mille scudi l'anno, e sua maestà cattolica simile pensione, come ebbe il reverendissimo vescovo di Rossa, di mille scudi l'anno sopra vescovati, per venti anni solamente, saria senza gravezza di sua maestà e sue financie, e noi provisti. Vengono ogni mese da Scozia alcuni e molto buoni giovani, e dotti, ma heretici, gli quali subito fra quindici giorni si rendono capaci della fede cattolica: e, questo mese passato, sono giunti due eccellenti e dotti maestri in filosofia, e l'uno molto usato in literis politioribus. Benchè siamo strettissimi, io non ho il cuore di ricusarli luogho; pensando che l'opera è di Dio, il quale non l'abandonerà, anzi ispirerà sua santità, et quei illustrissimi, di soccorrerli. Non intendiamo niente delli ducenti scudi del vescovo di Siguenza; e il padre Creswello non ci scrive più.

*** *The same to the same. November* 13, 1597.

[Extract from the Original in the possession of Bishop Kyle.]

Questa sarà per salutar la riverenza vostra, ed avisarla del bisogno di nostro seminario, e che delli 200 scudi del vescovo di Siguenza per ancora non abbiamo ricevuto niente. Per l'occasione delle lettere che vostra riverenza ci impetrò dal rè, abbiamo ottenuto dal serenissimo signore cardinale una limosina, per una volta sola, di sette centi scudi d'oro, cento franchi manchi, sopra le finanze; ed Iddio sa quando saranno pagati. Sua santità dice voler fondar un seminario delli nostrati à Roma, e però che non vuol aiutar questo a Lovanio, il quale pur

con molto manche spese, e manco fastidio, faria molto maggior frutto alla Scozia; perche tutta la nostra gioventù è istrutta in Scozia nelle heresie, e vengono heretici non in alcuna disposizione per andar a Roma. Poi non portano viatico per far tanto lungo cammino; così dice che non si vuol aiutar il seminario di Lovanio, e dice che non si vuol far seminario a Roma:—almanco in effetto è così. Vostra riverenza, per carità sua, sì aiuti quanto può, come può far molto.

[Since the text was printed off, I have discovered two inaccuracies in page 123, which, through the kindness of bishop Kyle, I am now enabled to correct.

1°. I have said that Andrew, bishop of Moray, *erected* and endowed *a house* at Paris, for the maintenance of four scholars: the fact, however, is, that he proceeded no farther than the endowment, which consisted of a farm named Grisi, about thirty miles from Paris; and that the residence of the students supported on the foundation was in a hired apartment of the hotel du Chardonnet, in the rue St. Victoire. The date of the foundation, which was confirmed by letters patent from Charles the fair, was 1325.

2°. From this it will appear that my description of the present Scots' college, as having been erected on the land originally granted by the bishop of Moray to the establishment, is also incorrect. The farm of Grisi, indeed, is still held as part of the endowment: but the college itself stands in the rue Fossés St. Victoire, within the city.—I will add that the several foundations of the bishop of Moray, Beaton, and others, were consolidated by Gondy, archbishop of Paris, and confirmed by Louis the thirteenth, in 1639.—*T.*]

## No. XLIX.—(*Referred to at page* 127).

*** *Extract from the Will of father Hippolytus Curle. Sept.* 1, 1618.

[From an attested copy, made, in 1772, by Bishop Hay, assisted by Messrs. Grant and Oliver,[1] from the original then in the Scots' college at Douay. MS. in the possession of Bishop Kyle.]

Ego, Hippolytus Curle, filius D. Gilberti Curle, et dominæ Barbaræ Mowbray, habens intentionem et firmum propositum, favente divinâ gratiâ, mundo et mundanis renunciandi, atque sub vexillo patrum societatis Jesu militandi, ordino et dispono omnia bona temporalia quæ ad me pertinent, modo et formâ sequente.

[*He then proceeds to specify several donations to various members of his family, and amongst them mentions his house in Antwerp, which he gives to his aunt, Elizabeth Curle, for the term of her life, with the right either to her or to his executor, Henry Clifford, to purchase it for six thousand florins. After this he continues,*—]

Item mando ut reliqua mea omnia bona, sive pecunias, in manibus mercatorum, sive domum meam cum pertinentibus, aut sex millia florenorum pro eâ (si modò amita mea vel dominus Clifford eam emerit,

[1] [Messrs. Grant and Oliver were the president and prefect of the house.—*T.*]

ut prædictum est)[1] sive supellectilem, aut quidvis aliud ad me spectans, habeat Scotorum seminarium jam Duaci residens, sub annexis conditionibus quas volo et peto ut planè et præcisè serventur.

Prima est ut omnes pecuniæ meæ, sive collectæ ex venditione supellectilis et aliorum bonorum meorum, quæ vendentur peracto noviciatu meo, statim sine morâ transponantur in usum et possessionem dicti seminarii, ad hunc duntaxat finem, ut illis alantur tot seminaristæ quot possint, computando pro singulis annuatim centum et quinquaginta florenos; totâ pecuniarum summâ collocatâ, ut pro nummis octodecim unus nummus proveniat; quod idem etiam volo ut fiat de pecuniis acceptis pro domo meâ, quandò vendetur. Si tamen aliquid ex summâ capitali supersit, quod non est sufficiens ad sustentationem unius seminaristæ, præterea quidquid ex reditibus dictæ summæ, vacantibus per annum integrum locis seminaristarum, non impendetur, volo ut totum id reservetur, et ad censum ponatur, pro adjuvandâ sustentatione personarum quæ requiruntur ad administrationem dicti seminarii, et ad danda viatica iis qui ex eo numero mittentur à superioribus in Scotiam sacerdotes sæculares, et operarii in vineâ Domini.

Secunda, ut statim post donationem dictæ summæ, incipiantur quæri apti et idonei pro seminario ejusque fine, qui ex dictis reditibus alantur; ita ut, infrà annum si fieri possit, numerus seminaristarum, datæ summæ correspondens, adimpleatur. Præterea, discedente aut deficiente aliquo ex illo numero, statim etiam quæratur aptus ac idoneus successor, ut semper loca, quantùm pro commoditate licebit, sint plena.

Tertia, ut in receptione seminaristarum, dimissione, gubernatione, obligatione, universâ denique administratione, serventur regulæ, statutæ à superioribus, et communes aliis qui fuerint hactenùs.

Quarta, ut hâc meâ fundatione fruatur seminarium quamdiù penès societatis erit ejus administratio: quòd si aliquando probârit societas eam relinquere, aut ei adimatur, penès R. P. Generalem societatis erit de totâ summâ, ut ipsi placuerit, ad alendos seminaristas Scotos sub dictorum patrum regimine disponere.

Quinta, ut, si R. P. Generali societatis visum fuerit, quod valdè desidero, sit semper unus aut alter Scotus societatis in seminario, ubi dicti seminaristæ residebunt.

Sexta, ut, cùm catholica religio in Scotiâ fuerit stabilita, judicio R. P. Generalis et Scotorum patrum societatis integra summa capitalis

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1 [It is not improbable that it was this donation by Curle of a house at Antwerp, which was afterwards mistaken for a foundation, left by the bishop of Ross, in that city.—*T.*]

transferatur in Scotiam; et in universitate D. Andreæ fundatur ex eâ integrum seminarium, pro sustentatione tot seminaristarum Scotorum, quot poterunt ali; cujus rei executionem, sicut et dicti seminarii administrationem, relinquo patribus societatis Scotis. Seminaristæ autem tunc erunt tantùm philosophi et theologi.

[*He then orders certain number of masses and other prayers to be said for his parents and himself, and, having added to his other donations a reliquary, and a portrait of the queen of Scots, thus proceeds,*—]

Ut omnia hæc dona sive mandata ritè et rectè suo tempore perficiantur, constituo mihi dilectissimos dominam Elizabetham Curle, amitam meam, et dominum Henricum Clifford, qui sunt executores testamenti matris meæ, et curatores mei, bonorumque meorum depositarii, ut hæc omnia et singula mandata adimpleant, * * illisque do et concedo tantam et tam plenam potestatem hoc faciendi, quantam per jus illis dare et concedere possum: atque eandem illam potestatem eis concedo, ut pecunias illas meas, quæ jam collocantur in manibus mercatorum ad fructum reddendum, sub regimine suo servent, et continuent eorum collocationem usque ad ultimum Junii qui fuerit in anno Domini nostri 1620, si tamdiù vixero, et, intra tres menses sequentes, eas earumque proventus tradant in usum seminarii prædicti Scotorum. * * *

Quod hæc sit voluntas mea, de omnibus et singulis prædictis, quam volo et mando ut impleatur secundum prædictum tenorem et planum verborum sensum, cum eâ firmitate, quæ firmissimè per leges impleri potest per modum donationis inter vivos, quæ valere incipiet, emissis post biennium votis in societate Jesu, vel, si antea me mori contingat, proximo mense Julii vel Decembris, qui post mortem meam occurret; quo casu tamen, cum hæc dispositio per modum donationis inter vivos non subsisteret, volo ut valeat per modum testamenti, aut cujusvis alterius transportationis quæ firmissima haberi potest, cum sit mens mea et plena intentio, ut singula sic disponantur, sicut jam dictum est. Manu meâ signavi et sigillo firmavi, Antwerpiæ, primo die Septembris, anno Domini 1618.

HIPPOLYTUS CURLE.

## No. L.—(*Referred to at page* 127).

### *** Curle's Assignment of his Property to the Scots' College at Douay. Sept.* 9, 1626.

[Copy in the possession of the Rev. George Oliver.]

Coràm nobis, notariis publicis et testibus infrà nominatis, personaliter constitutus reverendus pater Hippolytus Curle, societatis Jesu religiosus

et sacerdos, dixit et declaravit sese juxta sibi concessam à reverendo patre provinciali de bonis suis omnibus liberè disponendi facultatem, cujus tenor inferiùs describetur, velle de iisdem disponere, eorumque dominium et jus omne absolutè ab se abdicare.

Igitur re maturè deliberatâ et Deo commendatâ, à nemine, uti asseruit, persuasus nec inductus, sed liberè et proprio suo motu, bona sua omnia, quæcumque sint et ubicumque locorum existant, item jura et actiones sibi quomodocumque competentia, per donationem inter vivos perpetuam et irrevocabilem, et aliàs quocumque potest meliore et efficaciore titulo, dedit, transtulit, cessit, ac tenore præsentis publici instrumenti dat, transfert, cedit collegio Duacensi societatis Jesu, sub modo, fine, formâ, et conditionibus sequentibus.

Imprimis, vult et mandat bonorum, jurium, et actionum prædictorum plenum dominium et proprietatem ex nunc esse et manere penès dictum collegium societatis,[1] ad effectum et usque ad tempus, quo ex eis eorumque proventibus ac redditibus annuis religio catholica et animarum salus in Scotiâ, per ejusdem societatis operarios, publicè ac liberè promoveri, ibidemque collegium loco opportuniore, ab eâdem societate deligendo, stabiliri, et ex toto vel ex parte fundari, possit.

Quamdiù verò, per temporum injuriam et catholicorum persecutionem id liberè fieri non poterit, prædictorum bonorum fructus et proventus in usum et commodum seminarii Scotorum Duaci convertentur et applicabuntur, idque quamdiù societas ejusdem seminarii curam et administrationem, sub regulis, legibus, et conditionibus quas in Domino expedire vel non expedire judicaverit, retinebit, et non aliàs neque alitèr. Quòd si aliquando societas, vel sponte suâ dimitteret, vel aliàs quomodocumque induceretur ad prædictam curam et administrationem dimittendam, liberum planè ac integrum erit ejusdem societatis superioribus de prædictis omnibus bonis, juribus, actionibus, eorumque reditibus ac fructibus, prout in Domino ad majus spirituale Scotorum bonum judicaverint, disponere; sive id sit pro seminario sejuncto, sive pro subsidio personarum ejusdem societatis quæ in missione Scoticâ versabuntur, et in eam quoquomodo adlaborando incumbent. Porro cùm primùm (quod à Dei bonitate et misericordiâ sperandum est) licuerit societati in Scotiâ liberè habitare, suasque functiones publicè exercere, prædicta omnia bona, jura, et actiones,

[1] [The reader will scarcely fail to remark this expression, which occurs also in the preceding sentence, and is not among the least suspicious features in the present instrument. Perhaps, however, it means no more, than that the government of the college was in the hands of the society.—*T.*]

cum omnibus eorum fructibus et proventibus ad supradicti collegii in Scotiâ fundationem, vel fundationis initium, applicari debebunt; ita ut ex tunc nihil prorsùs illorum dicto seminario accedat, aut in ejus usum commodumve ullo modo impendatur, adeo ut nec ipsimet societati id facere aut permittere liceat, etiam ad personæ cujuscumque instantiam, petitionem, aut mandatum.

Denique pensio annua sexcentorum aureorum, quam habet à rege catholico, super arcam trium Clavium Madriti, quoad vixero (*sic*) et à rege solvetur, cedet et impendetur in usum, commodum, et bonum dictæ missionis Scoticæ ejusdem societatis.[1]

Et talem, quoad prædicta omnia et singula, esse suam voluntatem et irrevocabilem dispositionem supradictus comparens asseruit; promisitque et promittit eadem inviolabiliter observare et adimplere, contrariis quibuscumque renunciando, et, pro eorum securitate et implemento, bona sua omnia præsentia et futura generaliter et specialiter obligando et hypothecando: Et ad præmissa ubivis locorum, et coràm quibuscumque personis et judicibus, suo nomine renovandum, &c., constituit suos generales et speciales procuratores irrevocabiles nobilem virum D. Philippum de Broida, juris utriusque doctorem et consiliarium urbis Duacenæ, et Magistrum Andream de Apvril, ejusdem urbis secretarium, et eorum quemlibet in solidum; promittens, sub antedictâ bonorum suorum obligatione et hypothecâ, ratum se habiturum quicquid ab eis vel eorum aliquo fuerit gestum.

Et cum idem comparens non intenderit nec intendat, in præmissis omnibus et singulis, ullum dictæ societati onus aut gravamen imponere, præsertim quod ab ejus constitutionibus, regulis, ac usibus sit alienum, ideò enixè rogavit et rogat ejusdem societatis superiores, ad quos pertinet, ut eadem grata et accepta habere dignentur.

Acta hæc fuerunt coràm nobis, notariis publicis infrascriptis, prædicta omnia et singula, dictæque societatis ac superiorum nomine, stipulantibus et acceptantibus, in præsentiâ Petri Lechon et Philippi Baudion, testium specialiter vocatorum. Duaci, vigesimâ nonâ Septembris, 1626.

Sequitur tenor supradictæ facultatis:——"Ego infrascriptus, socie-

[1] [This donation is mentioned in the instrument of 1618; and it certainly affords no trifling ground of suspicion against the present document, that the pension is there expressly described by Curle himself as amounting only to forty gold crowns a-month, or four hundred and eighty, instead of six hundred, a-year, as here described.—I may add that, supposing Mr. Oliver's copy to be correct, the mistaken use of the word "*vixero*" in the first person, instead of "*vixerit*" in the third, is not unworthy of remark, in an argument concerning the authenticity of the assignment.—*T.*]

tatis Jesu in Gallo-Belgicâ provincialis, potestatem facio fratri nostro Hippolyto Curle, societatis Jesu religioso sacerdoti, disponendi de omnibus et singulis suis bonis, sive donatione inter vivos, sive causâ mortis, aut alio quovis modo, prout ei in Domino ad majorem Dei gloriam videbitur. In quorum fidem has, manu propriâ subscriptas, et officii nostri sigillo munitas, dedimus. Duaci, 9 Augusti, anno Domini 1624.[1]

JOANNES HERENNIUS.
CARPENTIER.

Hippolytus Curle.
Petrus Lechon.
Philippus Baudion.

No. LI.—*(Referred to at page* 129.)

*Father Blackfan, superior of the Missioners in the Spanish Seminaries, to Mr. William Newman. Aug.* 7, 1621.

[MS. belonging to the Dean and Chapter.]

Good Sir, and my dear Friend,

You well remember that, now some fourteen years ago, father Persons, as prefect of the English mission, placed you in the residence of Lisbon, to administer the same till the place might otherwise be provided: and for the industry you have used therein, you will not want your reward in heaven. But now, considering the obligation of the oath you made, to go into England whensoever it should please your superiors to command it in our Lord, from which you were never yet absolved, I thought good now to put you in mind of the accomplishment thereof; letting you understand that I have provided another to succeed you in that place. And therefore, I pray you, dispose of this your journey towards England, with the best expedition you may. As for your viaticum, I have writ to the rector of Seville, to whom you made your oath and promise, to provide your viaticum, and have it

1 [From this license, which, it will be observed, is dated two years before the execution of the assignment, it would appear that, at least as early as August, 1624, Curle had made his vows of religion. By that act, he had become incapable of holding, and, consequently, of bequeathing, property; and the license is supposed to have been granted, for the purpose of removing his disability. But could the license have been valid? By the will of 1618, which might more properly be termed a deed of gift, the property, then finally disposed of, had actually vested in another party. It had been given to the uses of the secular clergy: and it will be difficult to shew that any dispensation, and especially a dispensation granted by his superiors in their own favour, could ever authorise the testator to resume even a portion of the gift. This alone, were it of importance to the argument in the text, would be a sufficient ground for at least questioning the authenticity of the present instrument.—*T.*]

ready for you, whensoever he shall understand you are in readiness to go: for it were not reason that we should altogether deprive you of the benefit of this glorious mission, albeit, for the common good, as we thought, we suspended it for a time. And thus, expecting your speedy answer hereunto, I take my leave, this seventh of August, 1621.

Yours ever to his power,

JOHN BLACKFAN.

*Newman to Blackfan, August* 14, 1621.

[MS. belonging to the Dean and Chapter.]

Most reverend Father,

I have received yours of the seventh of this present, wherein it pleaseth your reverence to put me in mind of the oath I made in the college of Seville (which, being on an Assumption-day of our blessed Lady, will be, to-morrow betwixt nine and ten of the clock, neither more nor less than just sixteen years ago), which your reverence doth now think fit to be accomplished by me, for that, you say, I was never absolved nor freed thereof, but that it was only suspended for a time. Let it please your reverence to understand that I had much rather give answer and satisfaction to this, and all other things that sinister information may have wronged me in, unto your reverence, by vocal conference with your reverence in presence (as I did imagine I should have done, when I came from Lisbon unto this court), than by letters in absence, which can never so perfectly declare the true intent of their author's plain-meaning mind. But, since I have not been so happy as to obtain the one, by reason of your reverence's departure from hence, some very few days before I arrived here, I will endeavour, by the other, to give full satisfaction in this point unto your reverence, as by duty I am bound, and the place of prefect of this mission, which your reverence now possesseth, doth require.

Know, therefore, reverend father, that I was sent unto the residence of Lisbon, not by father Persons, nor until another might be provided, as your reverence doth imagine, but absolutely and immediately by father Cresswell, the prefect then, as your reverence is now; and was, so, disobliged of the college and the rector thereof, as one sent by his lawful superior directly to serve and assist the mission in that place, subordinate only to father Cresswell, as prefect here, and so to father Persons, then chief in Rome, without any other or further obligation than only to behave myself well in that place. But, not finding my employment there to be answerable to my design, I made many propositions to have gone for England, as father Cresswell, by my letters unto him, can testify, if he please; wherein, notwithstanding all my

diligence, I could not prevail. And, upon this occasion, father Cresswell wished me indeed to have patience, until another might be provided, which only I desired might be so: but, before this was either done, or any effectual diligence used thereabout (and yet there passed no less than the compass of a whole year), it chanced that father Nicholas Ashton (that had been my predecessor in this residence, but now visitor for the inquisition of all the strangers' ships that come into that port) died: which place of visitor both father Cresswell, father Henry Floyd, father Provincial, and many grave fathers, and the inquisitors themselves, did not only offer, but would needs impose and lay upon, me. I gave my reasons of refusal unto all, and particularly unto father Cresswell and father Floyd; alleging my insufficiency, for want of perfect knowledge of so many languages as were necessary for that place; but especially did insist, that it would altogether disable me to go over upon the mission of England, by reason of my dealing so publicly with such an infinite number of all sorts of people, as that it would afterwards be impossible to live in any place of England, but that, either by traveller, or merchant, or mariner, I must needs be discovered and known. To this father Cresswell and the rest answered, that the end, I could have to go for England, was but to serve God, and, with my best endeavours, to help forward the common catholic cause; and that, to this purpose, it were better to captivate my understanding, and to subject myself to the counsel of so many grave and prudent persons, and to determine to set up my rest there by the judgment of them, than to make any other singular election of my own, to dispose of myself elsewhere. This seemed somewhat hard for me to undertake: but notwithstanding, upon condition only that father Cresswell would please to give me my faculties for England into my own power, to the end that, upon only six months' warning to provide another, I might go for my country, I was content to accept of the place, and to oblige myself to stay. This it pleased father Cresswell to grant me; and so sent me his letter, with my faculties enclosed therein; saying that he was *wonderfully satisfied with this my conformity unto their desire; and that he did not doubt, but that my stay there would redound both to my own comfort, and the particular good of my country; and that also I should not want means there to be employed in the conversion of souls.* And so he writ me expressly, that he was very well content that I should remain there, so long as it should seem good unto myself; and yet might keep my faculties by me, and so go into England whensoever, and not before, I would. This was likewise confirmed by a letter by father Persons also;—both which letters, and my faculties for England, under father Cresswell his own hand, I have yet

to show. Moreover, some three or four years after this again, there was a certain occasion which required my presence in England, at least for some good time; about which father Floyd was dealt withal. Whereupon, he proposed the case to some divines of that house, to examine the circumstances of danger, wherein I was to put myself, and all those catholics that were to receive me, and with whom I was to converse: and those circumstances were then held to be so far different from those of the ordinary mission of the seminaries, as it was determined, that my superiors could not only not send me into such a singular and certain danger, but also, without some singular hope of some extraordinary great good, that they could not condescend, nor give me leave to go: nay, that it was very probable that I myself, in these circumstances, could not expose myself and the English catholics unto such unaccustomed and singular dangers, until I had first communicated the same with the archpriest, as the superior there. This was likewise given father Cresswell to understand; and so, from that day unto this, I never spoke, nor yet was spoken unto, hereabout, any more. And this, as I say, was within some three or four years after I entered to serve the inquisition: what, therefore, may be inferred now, when I have been an officer in that house, and employed in so many things of consequence, well known unto the inquisitors and vice-king, as hath made me odious by name unto the state of England, upon several occasions, in this following time of seven or eight years more, your reverence will easily conceive. This, I hope, will give your reverence satisfaction about the obligation I have, to comply farther with my foresaid oath; seeing I know myself speak unto so religious and pious a person, as will not do any action of such consequence, and in public, that may seem to proceed of any kind of passion, and who will also consider that it is yet without any example, that ever any was sent into England, after that he had once served in that place; and much more being, as I say, a sworn servant *de secretis*, and an actual minister of the inquisition; and without any notice, order, or leave from the inquisitors for the same. Sent from Madrid, in August, and upon the eve of the assumption of our blessed Lady, 1621.

*Blackfan to Newman, Aug.* 21, 1621.

[MS. belonging to the Dean and Chapter.]

Good Sir, and my dear Friend,

Yours of the fourteenth of August I could not answer immediately, being in the country when your letter came. And whereas you say, you were not put into that office by father Persons, but father Cresswell, it little importeth by which of the two you had that office com-

mitted to your charge, sith that, which one did, the other also did; and both they and we had such confidence in your loyal heart towards us, that, as we gave you that, so we would have given you a kingdom, if it had laid in our power. And, therefore, I must needs say that you have failed much in correspondence to so great kindness and confidence put in you, if all be true that hath been written unto me. For, whereas we have been negotiating, many years, to have an English seminary in Lisbon, and, for that end, first procured and established that residence there, that it might be an introduction thereunto, now that the business began to grow to a head, you have been so ungrateful, so unmindful of the education you had under us, and of the confidence we reposed in you, that you have endeavoured to turn it off to secular priests, or dominican friars; giving up papers to the council full of false calumniations against our government, whereby you have made yourself altogether uncapable of the place, and unworthy to hold it. And therefore, if, for the reasons you allege, you be not so fit for the mission, as may be wished, yet you can allege nothing why we should not put another there, which should be more confident with us. And in this I proceed, not out of passion, as in your letter you charge me withal, but out of prudent deliberation; moved thereto out of the fear of God, and not to be wanting to the charge committed to me. And therefore, in this you must pardon me, if I put another in your place. And this neither the inquisition, nor any body else, can be against; being informed of the truth of the matter, as it passeth. Father Nicholas Ashton, who purchased and prepared that house for a seminary, nor any other of his predecessors, would have served us so. What reason you had for it I know not; but I hope, in that point, I shall hear further from you. In the meantime, our sweet Lord Jesus keep and protect you for his further service. Valladolid, August 21, 1621.

Yours ever to his power,

JOHN BLACKFAN.

*Newman to Blackfan, August* 28, 1621.

[MS. belonging to the Dean and Chapter.]

Most reverend Father,

Yours of the twenty-first of August I received, and am very sorry to see your reverence so credulous of such calumniations, as seem to be raised upon me; because I do not know that I have any way infringed the confidence that was put in me, and, consequently, not any way deserved that your reverence should be so incensed against me, as your rough letter doth declare you to be. This in itself is truly most evident: and when it shall please God to send you hither, which, I am

told, will be very shortly, I hope to make it so manifest, that your reverence shall have no just cause to be offended with any one of my actions, and much less to complain that I have put up papers in the council, with calumniations against your government: unto which I can say no more, for the present, than that it is a pure, flat, and false calumniation against me. And whereas it is said, that I have laboured to bring a seminary in Lisbon under the jurisdiction of the dominican friars, it is so far from the truth, as it is most certain that, if I had any way concurred with them, yea, if I had not dissuaded, and did not now actually dissuade, the gentleman from granting it unto them, it had long since been put into their hands. And this I have made so manifest unto father Forcer, as it is evident, when the sun shineth, it is certain that it is day. And, finally, where it is laid to my charge, as a heinous offence, that I have diverted this seminary from the fathers, and turned it to the secular priests, I have said, sworn, and given the proof of all credible arguments, to declare that the first ground of the subjection of this seminary unto the archpriest was laid and sprung up from the founder himself; because I did only accept of the gift and proffer of the gentleman, when, and not before, that he, of himself, and without any proposition and inducement of mine, did expressly, and in plain terms, exclude the fathers of the company from having any hand or government therein. So that, except I would tell him how this seminary might be governed, without the fathers' having any jurisdiction or command therein, he would neither speak thereof any further, nor give me so much as one single groat. In which circumstances, which I can prove to be most true, I cannot see what fault may be laid to my charge, nor what want of any honest correspondence, or wherein I have broke my fidelity, or any kind of trust that was committed unto me; having done nothing else than only accepted of an alms, and procured to help therewith my poor country out of heresy; which otherwise would not have been given unto it, and neither the fathers, nor any other English, have gotten thereof one single penny, nor scarce have known, or had notice, of any such thing in the world. Which, together with what I have already said in my former, touching the letters of father Persons and father Cresswell, and such other things as I have there alleged, I hope will give your reverence such sufficient satisfaction, as that I shall not need in this matter to say any more, than only to entreat to be remembered in your holy sacrifices, and so humbly take my leave. Madrid, August 28, 1621.

No. LII.—(*Referred to at page* 130.)

*** *Don Pedro de Coutinho to Cardinal Farnese. March* 19, 1622.

[MS. in my possession.]

Illustrissime et Reverendissime Domine.

Audito Farnesiorum nomine, nempe Alexandrum cardinalem Farnesium gentis Anglicanæ protectorem esse, exultavit præ gaudio animus, spiritus quodammodo revixit. Audebo enim, fretus ingenitâ nobilitate tanti principis, intima cordis mei deponere ante oculos celsitudinis vestræ, et mihimet promittere, à pectore propemodùm regio, non solùm benignas aures, sed felicissimam in rebus nostris expeditionem.

Anni sunt jam duo, ex quo apud me decreveram eleemosynam quandam Anglis facere, præcipuè presbyteris, qui causam ecclesiæ catholicæ in Angliâ contra hæresim defendunt, et, spretis mundi deliciis honorumque fastu, morte etiam ipsâ contemptâ, cum immani hæresi manus conserunt, eamque penitùs debellare contendunt: et quò diutius esset beneficium, et magis causæ catholicæ proficuum, volui ut impenderetur in fundando collegio ad instructionem juventutis Anglicanæ, et ad habiles operarios reddendos in messem Domini mittendos.

Hactenùs non parvo sudatum est labore in obtinendo privilegio et licentiâ à rege catholico, ut possit tale seminarium erigi et dotari in hac urbe Ulyssiponensi; quod tandem, ope et industriâ pii et venerabilis sacerdotis Angli, nempe D. Gulielmi Newmani, rectoris residentiæ Anglicanæ in hac urbe, optimè confectum est, prout per hanc copiam, quam illustrissimæ dominationi vestræ transmitto, videre licet. Hoc enim diploma non solùm manu regiâ firmatum, et in cancellariâ hujus regni admissum habemus, sed etiam literas regias ad curiam huic regno particularem transmissas, in quibus omnibus piis commendat hoc tam sanctum opus, quatenùs quisque pro posse suo illud promoveat. Annus ferè integer in hoc opere consumptus est, antequàm in curiâ Madriti expediretur, et ad optatum finem per præfatum venerabilem virum posset perduci. Tandem res pro voto confecta est; et nunc omnis nostra intentio versatur in acquirendo loco apto et idoneo, pro collegio præfato à fundamentis erigendo.

Cui operi, nunc præsenti et numeratâ pecuniâ, assigno quinque millia aureorum, ad emendas aut conficiendas domos, et quingentos aureos annuatim pro sustentatione scholarium. Post obitum verò meum, Deo dante, eidem operi aliam haud contemnendam eleemosynam testamento relinquam. Certè hæc præfata eleemosyna, cum aliis nobilium et locupletum qui benè afficiuntur erga nationem et gentem Anglicanam, quibus hæc civitas et regnum abundat, optimis nos alit spebus, hoc collegium Anglorum semper iturum in augmentum,

adeoque brevè æquiparandum alii cuicumque eorum seminario, vel hîc in Hispaniâ, vel alibi instituto.

Plurimùm tam pio operi patres societatis, quâ de causâ nescio, reluctantur, et tùm in curiâ Madriti, tùm hîc Ulyssipone, omnem movent lapidem ne altiùs radices agat, nisi illi ad administrationem ejusdem possent admitti; quamvis jampridem mentem meam illis planè declaraverim, jusserimque D. Gulielmo Numano illis significare me jamdudùm omnia tradidisse in manus cleri Anglicani; quod quidem egi per literas, scribens ad reverendissimum Angliæ archipresbyterum, à quo et literas accepi, quibus grato animo acceptat quod ego eidem obtuleram: adeo ut jam res data et accepta sit, adeoque in hoc planè firmati sumus, administrationem hujus collegii clero Anglicano omninò deferendam, ad imitationem collegii Anglorum Duaceni, exceptâ tantummodò ejus subordinatione, de quâ diploma regium mentionem facit, ad supremum tribunal sancti officii, ipsumque inquisitorem generalem hujus regni; nec voluntatis meæ esse ut quovis modo admittatur alius administrationis modus.

His tamen minimè obstantibus, patres societatis, et præcipuè pater Franciscus Forcer, Anglus, non desistunt, deprecando et urgendo ut illis concedatur hujus collegii regimen, imò minas intentando, mihique ipsi inculcando, se, etiam me invito, effecturos, et renitente, ut, per mandatum suæ sanctitatis, vestræque illustrissimæ dominationis authoritatem, deferatur illis quam cupiunt et prætendunt administrationem.

Quare ut, quantum possum, eos præveniam, et eorum minimè æquis obsistam conatibus, per has meas ad illustrissimam dominationem vestram literas notum facio (quod et suæ sanctitati dignabitur dominatio vestra illustrissima significare), me nullo modo velle ut patres societatis præficiantur huic collegio; imò eo ipso quòd admittantur (quod absit) ad quamcunque rationem jurisdictionis, administrationis, aut regiminis, pro non dato habeo quodcumque dedero, nec in posterum quicquam dare intendo.

Hanc verò meam obfirmatam voluntatem nollem ita interpretari, quasi condemnare vellem administrationem aliorum collegiorum per patres societatis, aut improbarem eorum institutionem in moderamine juventutis; sed hoc totum fieri contendo in hoc collegio, quia hæc est administratio quam ego elegi, tanquam maximè propriam et accommodatam ad finem quem mihi proposui, et cui applicare cogito quascumque eleemosynas in pios usus designandas.

Quare nullo modo dubitare possum quin et illustrissima dominatio vestra hoc tam pium opus libentissimè amplexabitur et promovebit, idque secundum hanc meam voluntatem administrari curabit, ne im-

pediatur malitiâ hominum, sua potiùs quærentium quàm quæ sunt Jesu Christi.

Quin et in hoc ampliùs insistere liceat, quia jam jam procurandi sunt et rectores et scholares, prout sumptus assignati ferunt, ut illustrissima dominatio vestra nobis et huic nostro seminario Anglorum procuret ea privilegia, quoad lectiones domi accipiendas, et ad ordines præsentationes, et missiones in Angliam, facultatesque dandas in eum finem, quæ in aliis collegiis in usu sunt. Alia verò, tàm pro ecclesiâ, quàm pro statutis confirmandis, et quicquid aliud occurrerit necessarium, favebit nobis illustrissima dominatio vestra, cùm intra paucos menses reverendus dominus Thomas Morus ad urbem accesserit, cui hæc negotiatio tractanda, si Deo placet, committetur. Deus Opt. Max. dominationem vestram illustrissimam in multos annos nobis, Angliæ, et ecclesiæ suæ universæ, servet incolumem. Ulyssiponæ, Martii 19, 1622.

*** *John Bennet, the agent at Rome, to* ——. *July* 31, 1622.

[Original in my possession.]

Sir,

Yours of the twentieth of May came this morning to my hands. * * * In this mean, was come to my hands the founder of Lisboa his letters to cardinal Farnesio, our protector, which contained many good points. It mentioned his gift to the clergy of England, the confirmation of the king of Spain, the diligence of the jesuits to hinder it, his resolution not to let them have the government of it, a request for confirmation from his holiness, and privileges. The cardinal being now absent hence, I made use of these letters, and went to our father, and declared the business, and desired his confirmation, which he granted very benignly. Divers other things I then proposed, which were all granted. This of the college was remitted for despatch to a great congregation, there lately erected, *de propagandâ fide*, consisting of twelve of the greatest cardinals in this court. I thought that matter was ended. I informed, and delivered the founder his letters, and, the next congregation, looked for sentence; but it was, that the grant should not be left in us, and the nuncio should have presidence *immediatè*.[1] This opened the way to our opposites, against the founder's

[1] [The following is the decree alluded to: it was passed June 20, 1622.— "Cum Don Petrus de Coutinho, nobilis Lusitanus, peteret confirmationem collegii à se erigendi pro clero Angliæ, cum dote 5000 aureorum pro domibus et 500 annuorum pro redditibus, in Ulyssipone, sacra congregatio remisit negotium cardinali S. Susannæ, ut confirmationem petitam à sanctissimo impetraret, hoc addito, ut, ultra inquisitorem pro superintendente collegii nominatum in confirmatione regis catholici, fundator consentiret ut, simul cum inquisitore,

will, which they had told him to his beard they would do. This being made known to me by the secretary and one of the cardinals, I was exceedingly moved, and told them we looked for nothing but benediction of what cost them not a penny: if that were denied, we had deserved little; and briefly, we would accept of no such conditions, but would rather renounce college, alms, and all, than suffer the agreement changed. But with what persuasions our opposites got this were strange to rehearse: that I leave to another time: and already I know they have done them no good.—With this I was resolved to go to his holiness again; yet thought best to inform the congregation fully ere I did so; and thereupon drew a large information, shewing the inconvenience of these conditions, yea, as things stood, impossibility; and went about, and informed the chiefest of the cardinals, so as, the next congregation, they recalled the former decree, and made a second to our liking.[1] This here is seldom done, and our opposites little looked for it now. I send you the copy of both decrees.

You must understand that in Spain they now labour, by all means of art, to hinder this work, as they would do to keep a knife from their throat; for, in truth, it will ruin their English monarchy there; and here now, having no other remedy, they persuaded a great man to inform the congregation that the founder had changed his mind, and granted them the government. But it fortuned that, few days before, a second letter of the founder's was come to my hands, directed to his holiness, containing the same points with the former, and withal complaining much of the importunity and injuries of the jesuits done to Mr. Newman. This letter, within two days [after] I received it, I delivered to his holiness, and added a supplication, in the name of the clergy, for redress in Mr. Newman's case. This supplication, if I can find it, I will send you a copy; for it is very plain and homely. By word of mouth I spared not to make known the case fully. These

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collector Lusitanus sit superintendens, seu protector; *et alii præficerentur administrationi collegii quàm a clero Anglicano deputandi.*" MS. in my possession.—*T.*]

[1] [This second decree was passed on the eighth of July. I subjoin it:—"Cum agens cleri Anglicani non acquiesceret decreto in præcedente congregatione facto, super collegio erigendo Ulyssipone per D. Petrum de Coutinho, illustrissimi patres, auditâ relatione scripturæ per D. Agentem datæ, decreverunt *confirmationem collegii petitam concedendam*, si sanctissimo placeret; reservato tamen jure et potestate collectori Lusitaniæ, quod et quam, ut nuncius apostolicus, habet à jure communi, vel à suis facultatibus, super hujusmodi corpora in suâ legatione constituta; hoc tamen addito, quòd collector prædictus possit et valeat, imò teneatur, singulis annis semel collegium prædictum ejusque alumnos et ministros visitare, hosque ad reddendam rationem suæ administrationis compellere." MS. in my possession.—*T.*]

letters and the memorial his holiness sent to the congregation; and [they] were then in the secretary his hands, when the foresaid information was given: which being shewed, judge what would be deemed of the sincerity of these informers, who were the bolder in their fiction, for that they knew nothing of these letters. But, to their no small note, the decree was again confirmed. The clause put in, of the nuncio his visitation, I hold not prejudicial; for it belonged to him *de jure communi*, and no colleges could be exempted from that. Yet, after this, did they use means to hinder the seal: but I pressed so hard, and would have complained to his holiness; so as it was brought to his holiness to confirm; and he, *ex proprio motu*, to gratify the founder and us, commanded that clause of the visitation of the nuncio should be left out;—so as it is as we requested just, and now, within few days, will be under seal.

For Mr. Newman's business, the congregation appointed that the general of the jesuits should from the congregation be commanded to restrain his brethren, and that they should not hinder this work, or molest Mr. Newman.[1] They wrote moreover a letter to the nuncio, to defend and right Mr. Newman, and restore him to his capellanea, if unjustly he were dispossessed. They writ another letter to the founder, to give him thanks in his holiness his name, and encourage him to proceed. These letters by special suit I obtained, and have sent them away safely, with a copy of the decrees, for Don Pedro and Mr. Newman their content and comfort; and the breve shall, God willing, follow very shortly. Yet, this afternoon, when I went to give direction to the secretary of the breves for drawing the breve, there was a new stop, which I feared had undone all we had done: but I went to the secretary of the congregation, and removed that: so as now I have the charge to set down the points myself. If you mark the passing of this affair, you will find our opposites have received knocks, which will smart awhile, if I mistake not: albeit I assure [you] it hath cost much travail and diligence. The importance of this work is so great, as we have great cause to keep it on foot, as you may well consider, and I plainly see by many circumstances.

* *

About the midst of September, at furthest, I hope to have all despatched, and [to be] on my way: yet omit not to write; for I will take order for the receipt of letters, when I am gone. July the last.

Yours, JNO. EATON (*Bennet*).

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[1] [In the margin here, is written,—" This was done, and he promised speedy redress."—*T.*]

*Breve Gregorii Papæ XV. pro Seminarii Angli Ulyssiponensis confirmatione; September* 22, 1622.

[MS. in my possession.]

Gregorius Papa XV.

Ad perpetuam rei memoriam.—Militantis ecclesiæ regimini, divinâ dispensatione, nullo meritorum suffragio præsidentes, Christi fidelium quorumlibet votis, iis præsertim quæ ad fidei catholicæ propagationem animarumque salutem pertinere dignoscuntur, libenter annuimus, eaque favoribus prosequimur opportunis. Exponi siquidem nobis nuper fecit dilectus filius, Joannes Benettus, cleri Anglicani apud sedem apostolicam agens, quòd dilectus etiam filius, Petrus de Coutinho, Portugallensis, periclitanti apud Anglos fidei catholicæ pro suis viribus succurrere cupiens, in civitate Ulyssiponensi seminarium (in quo Anglicanæ nationis juvenes pietate et doctrinâ instituerentur, ut maturi jam, et in patriam reversi, fidei tuendæ et propagandæ sedulam navarent operam) fundavit, dictoque seminario, pro ejus dote, ac alumnorum pro tempore existentium sustentatione, redditus annuos usque ad summam quingentorum scutorum auri ascendentes, et pro domibus vel emendis vel extruendis quinque millia scutorum similium assignavit; quibus et plura in posterum, in operis hujus incrementum, additurum se spondet. Immediatum verò regimen hujus seminarii penes eundem clerum Anglicanum prædictus fundator esse voluit; ita tamen ut supremum Lusitanæ inquisitionis tribunal, et ipse demùm modernus generalis inquisitor, et ejus pro tempore successores, rectori præficiantur et collegio, qui totius administrationis rationem exigendi jus et potestatem habeant. Cum autem, sicut eadem expositio subjungebat, tàm Joannes, quàm Petrus prædicti cupiant fundationem seminarii, ut præfertur, factam, apostolicæ confirmationis robore communiri, nobis propterea humiliter supplicarunt, ut in præmissis opportunè providere de benignitate apostolicâ dignaremur. Nos igitur Joannis et Petri prædictorum votis (quantum cum Domino possumus) benignè annuere, illosque specialibus favoribus et gratiis prosequi volentes, et à quibusvis excommunicationis, suspensionis, et interdicti, aliisque ecclesiasticis sententiis, censuris, et pœnis, à jure vel ab homine, quâvis occasione vel causâ latis (si quibus quomodolibet innodati existunt), ad effectum præsentium duntaxat assequendum, harum serie absolventes, et absolutos fore censentes, hujusmodi supplicationibus inclinati, fundationem dicti seminarii, per dictum Petrum, ut præfertur, factam, apostolicâ auctoritate, tenore præsentium, approbamus et confirmamus, illique inviolabilis apostolicæ firmitatis robur adjicimus; ac omnes et singulos tàm juris quàm facti defectus (si qui desuper quomodolibet intervenerint) supplemus; necnon iisdem

seminario, rectori, et alumnis pro tempore existentibus, ut omnibus et singulis privilegiis, gratiis, et indultis, tàm spiritualibus quàm temporalibus, quibus alia hujusmodi seminaria, eorumque rectores et alumni utuntur, fruuntur, potiuntur, et gaudent, pari modo uti, frui, potiri, et gaudere, liberè et licitè valeant, concedimus et indulgemus: Decernentes, præsentes literas validas, firmas, et efficaces existere et fore; irritumque et inane quicquid secùs super his a quoquam, quâvis authoritate, scientèr vel ignorantèr contigerit attentari: Nonobstantibus apostolicis, ac in universalibus, provincialibusque, et synodalibus conciliis, editis generalibus vel specialibus constitutionibus et ordinationibus, privilegiis quoque, indultis, et literis apostolicis, in contrarium præmissorum quomodolibet concessis, confirmatis, et innovatis: Quibus omnibus et singulis eorum omnium et singulorum tenoribus, præsentibus pro plenè et sufficientèr expressis, et ad verbum insertis habentes (illis aliàs in suo robore permansuris), hâc vice duntaxat specialitèr et expressè derogamus, cæterisque contrariis quibuscunque. Volumus autem ut ejusdem seminarii alumni pro tempore existentes juramentum de redeundo in Angliam suo tempore, et aliàs per aliorum seminariorum hujusmodi alumnos præstari solitum, præstare omninò teneantur. Datum Romæ, apud Sanctam Mariam Majorem, sub annulo piscatoris, die vigesimo secundo Septembris, 1622, pontificatûs nostri anno secundo.

S. Cardinalis S. Susannæ.

No. LIII.—(*Referred to at page* 131).

*** *The Secretary of the Propaganda to the Nuncio in Portugal; December* 10, 1622.

[MS. in my possession.]

Nella congregatione de Propaganda fide, che si ténne avanti nostro signore alli 6°. del corrente, fù riferita la lettera di Don Pietro di Coutinho, che scriveva in materia del collegio che pensa fondar per servitio del clero Inglese in Lisbona; e perche quest' opera è molto importante per il servitio di Dio, se ben' è stato scritto à V. S. un' altra volta, che aiuti cotesto gentilhuomo, acciochè non sia impedito da i padri Giesuiti per cagione della pretensione ch'hanno d'haver il governo del futuro collegio, nondimeno è stato giudicato che non sia superfluo il raccommendarle di nuovo quest' opera, come, d'ordine di sua santità e della sacra congregatione, si fà per mezzo della presente, con incaricarla ad assistere e portare ogn' aiuto e favore a cotesto gentilhuomo, acciochè non solo non cada l'amministratione del collegio ne Giesuiti, contra la voluntà di lui, ma solleciti ancora, con ogne suo potere, la fondatione di esso, e la

venuta di scolari et alunni d'Inghilterra. Da Roma li 10 Decembre, 1622.

Francesco Ingole,
Secretario della medesima congregatione.

*** *John Bennet, the agent, to* ——— ; *December* 18, 1622.

[Extract from the original in my possession.]

Sir,

* * Having brought my main business to some stay (of which you shall hear more shortly, but let it, in the mean, be very secret, and give our adversaries leave to triumph in their double dealing that will not last long), I had news out of Spain, that, notwithstanding the king of Spain his grant, and his holiness his ample breve, the jesuits wrought the inquisitor-general to help them to possess the college of Lisbon. The founder writ hereof a letter hither, which, observing opportunity when his holiness would be in congregation, where he sitteth but once a month, I put in a memorial to his holiness, and gave the secretary the founder his letter, and desired redress of those impudent importunities, that invade men's estate and right against their wills. The matter was publicly heard, and his holiness spake like a good pastor and upright judge. Finally, I have a decree, eternally excluding the jesuits by name, with letters to the nuncio there to see it executed, and another very good letter from the congregation to the founder; all which I have in my hands shut and sealed, expecting the next post. What favour such a business would yield in such a presence, do you judge.

We have a residence in Madrid, in the principal place of the town. This the jesuits would take into their possession, and give us a *casa professa* of theirs out of the town. They were busy valuing and measuring, and expected only answer from their general here, to enter possession. In the same congregation, I put in an information hereof before his holiness, and supplicated that such unlawful merchandizing for other men's goods, without their consent, were not permitted. I have also prohibition for this, and the general warned he attempt no such thing[1] * * * Remember my service to our best friend, &c.— Make English where it faileth; and so I end.

Yours, EATON.

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[1] [The residence or college, here alluded to, is described by Dodd, in a preceding part of this history (ii. 178), as an establishment of small and uncertain resources. It appears to have been founded and endowed by an Italian, whose name is not recorded; and though placed under the management of the jesuits, was intended for the education of secular clergymen. Dr. Smith, writing to More, in November, 1610, thus speaks of it:—"From Spain came father Blackfan for England, who told me of a new seminary in Madrid, begun, or

No. LIV.—(*Referred to at page* 132).

*** *The Bishop of Chalcedon to the Cardinals of the Propaganda. Nov.* 6, 1631.

[MS. in my possession.]

Eminentissimi et Reverendissimi Domini,

Nobilis vir, Don Petrus Coutinho, Lusitanus, ante aliquot annos cœpit Ulyssipone extruere seminarium pro clero sæculari Angliæ educando, idque et apostolicæ sedis et catholicæ majestatis diplomatibus

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like to begin, upon the gift of an Italian merchant there, who gave so many houses to that purpose, as the rent will amount to two thousand crowns a year" (Original in my possession).—I subjoin the memorial and decree mentioned by Bennet, which, with a letter from the congregation to the nuncio in Spain, will shew that, besides the grievance complained of above, it was thought that the intentions of the founder had been disregarded, and the establishment rendered useless to the English mission.

*Memorial of Bennet to the Propaganda. Dec.* 5, 1622.

Illustrissimi et Reverendissimi Domini,

Joannes Bennettus, cleri Anglicani agens, illustrissimarum D. V. orator humillimus, exponit quòd cum A. B., nobilis Italus, zelo fidei propagandæ ductus, seminarium, alendis cleri Anglicani alumnis destinandum, erigere decreverat, quasdam ædes et reditus eidem usui deputavit, ac testamento demùm suo legavit. Patres verò jesuitæ, quorum regimini hoc seminarium permissum fuerat, non solùm nihil omninò fructûs hisce duodecim annis ex iis ædibus exhibuerunt, sed modò, quòd situs sit optimo urbis Madriti loco constîtutus, eum cum suæ societatis patribus pro domo suâ professâ, extra urbem positâ, commutaturi dicuntur, idque inconsulto et invito etiam clero Anglicano. Quâ de re illustrissimarum D. V. orator admonitus, et facilè prævidens ex hac occasione novas lites et dissidia inter prædictum clerum et istos patres oritura, humillimè supplicat ut authoritate sacræ congregationis has commutationes, ab omni æquitate alienas, dignemini prohibere.

*Decree of the Propaganda. Dec.* 6, 1622.

Agatur cum patre Generali societatis Jesu, ut provideat, et nuncio Hispaniæ scribatur, ut translationem domûs professæ in seminarium Madricium impediat.

*The answer of the General.*

Generalis jesuitarum, in supradicto negotio translationis domûs in Madricio, respondit, translationem dictæ domûs jam impedivisse.

Franciscus Ingolus,
Secretarius S. Cong. de Propag. fide.

*The Secretary of the Propaganda to the Nuncio in Spain. Dec.* 10, 1622.

Mando a V. S. l'inclusa copia d'un memoriale, letto nella congregatione de Propaganda fide, che si tenne avanti nostro signore, alli 6 del corrente, acciochè s'informa della verità del contenuto, e, se troverà che'l negotio sia della maniera che vien representato, impedisca li padri del Giesù, che non trasferischino la casa professa, ch' hanno fuori di Madrid, nel seminario ch' hanno da far' per servitio delli cattolici Inglesi dentro la detta citta: et, con questa occasione, potrà ancora informarsi dello stato di quel seminario, e delle cause perchè non è stata esseguita la mente del testatore, et avisar' del tutto la sacra congregatione. Da Roma, li 10 Decembre, 1622.

Francisco Ingoli,
Secretario della detta S. Congregatione.

The foregoing documents are printed from MSS. in my possession.—*T.*]

obtinuit confirmari, ac supremi illius regni inquisitoris protectioni supposuit; ad quod ego et moderatores idoneos, et optimæ spei juvenes nonnullos jampridèm misi; ubi cum summâ ædificatione illius urbis studia sua prosequuntur. Jesuitæ autem, qui, ut eminentiis vestris notum est, huic operi pio semper pro viribus adversati sunt, persuaserunt dicto illustrissimo inquisitori ut protectionem suam negaret, sine quâ dictus nobilis vir recusat ulteriùs cœptum opus prosequi; quod sanè clero Anglicano magno detrimento ac dedecori futurum est. Quapropter humillimè rogo eminentias vestras ut, pro singulari pietate vestrâ in fide propagandâ, dignentur scribere præfato illustrissimo inquisitori, ut dicti collegii protectionem in se suscipiat, ac præcipere jesuitis ne ampliùs eidem molestiam facessant. Deus Opt. Max. eminentias vestras quàm diutissimè florentes ac incolumes conservet. Parisiis, 6° Novembris, 1631. Eminentiarum vestrarum

Humillimus servus.

*** *Cardinal Borgia to the Nuncio in Portugal. Jan.* 2, 1632.

[MS. in my possession.]

Molt' Illustre e Reverendissimo Signore, come Fratello,

Il signore Pietro Coutinhò, alcuni anni sono, con particolare pietà si mosse ad eregger un collegio agl' Inglesi cattolici in cotesta città per sovvenir' a spirituali bisogni della loro afflictissima chiesa: e si come quest' opera fù singularmente lodata da questa sacra congregatione, cosi nostro signore si compiacque, ad instanza di essa, di raccomandarla efficacemente alla protectione di cotesti inquisitori pro tempore. Ma perchè il moderno (par che ad instanza d'alcuni religiosi) habbia al presente ricusato di pigliar la protectione del sudetto collegio, il che sarà cagione che il detto signore Pietro desista dal perfectionar la medesima sant' opera, perciò questi miei eminentissimi signori desiderano che V. S., in nome loro, preghi vivamente il medesimo inquisitore a voler accettar la protectione dello stesso collegio, acciò non privi di tanto beneficio spirituale li sudetti cattolici, e gli suoi successori dell' honor della protectione della quale sono stati honorati da questa santa sede, presso di cui, et anco di sua divina majestà, egli si assecuri di guadagnar perciò molto merito, e di far cosa gratissima a questa sacra congregatione. E con questo fine a V. S. mi offero e raccomando. Roma, 2 Gennaro, 1632.

D. V. S. come fratello affettuosissimo,

Il Cardinale Borgia.

No. LV.—*(Referred to at page* 134).

*** *Account of the foundation of Chelsea College.* 1609.

[MS. belonging to the Dean and Chapter.]

Touching the college of controversies which now is in hand to be set up, thus much I understand, that Sutcliffe, the dean of Exeter, is the man that first desired and devised it; and, to bring the matter the better about, he hath left one Mr. Hildiard, a minister of the same church of Exeter, to follow this business both with the king and the lords of the council, who, as I understand from his own mouth, hath given singular approbation thereof; especially, my lord treasurer, who encouraged him in it, telling him that it was a noble work,—*finis coronat opus*,—and he was not to be esteemed a good subject that would not forward it:—insomuch as all men have promised their helping hands. The king bestows on them the ground, whereon the house with the gardens and orchard shall stand, as also two thousand pounds in money. The patent for this ground was sealed but of late, and with this proviso, that they to whom it is granted (for they have chosen some men already, who stand named in the behalf of the corporation) are obliged to perform the premises, of building, &c.; otherwise the grant to be void and of no effect. The bishop of Canterbury doth bestow a fair library, which is worth many hundreds, together with one hundred pounds in money. Many deans there are that will contribute, some five hundred pounds, and the meanest two hundred, or one hundred pounds; besides many things which they hope for, by legacies and such means. They are about procuring a subsidy, which, though it be but to be paid in eight years' space, will serve their turn. Sutcliffe himself bestoweth two thousand pounds; and for this and his devise it is thought he shall be rector, during his life.

This college is to be set up at Chelsea, three miles from this town, near the river, so commodiously that they may have anything transported conveniently to and fro. They will bestow, as it is thought, twenty thousand pounds in the house; for they say they will build it fair, with all commodities, and worthy a king; or else they will not build at all.[1] There are to be resident in it twelve chosen men,[2] who shall do nothing but write in matters of controversy; and there shall be two historiographers, and a rector. Each of those shall have a hundred pounds by the year, three chambers, a study, and his man allowed him

[1] They prepare all things in a readiness against the next spring, at which time they will begin, and end it ere the winter come. [Marginal note.]

[2] [This number was afterwards encreased to seventeen.—*T.*]

at the common charge. These men are to be chosen and selected out of the universities of Cambridge and Oxford, who must present such as they, in their judgments, think able, and then the college is to accept them, or reject them. Those are to live on the lands that shall be purchased unto it (as it is thought, in great abundance); and every man of them to live unmarried, or to leave his place.

No. LVI.—(*Referred to at page* 137).

*** *Regulations for the Establishment at Arras College. April* 28, 1612.

[Copy, endorsed by Dr. Smith, belonging to the Dean and Chapter.]

*The principal ends of that pious work.*

1°. First, to associate some of the ripest and most quiet sociable men, to write.

2°. To endeavour to maintain some towardly scholars, well advanced in learning, in the course of Sorbonne, that they may be made perfect.

3o. To procure some relief for learned ministers converted, and other such-like scholars.

*Who are to be of it, at the first, and what they are to observe.*

1°. In the beginning, because the maintenance is slender, these five only are to be admitted for that company, of the riper sort, viz., Dr. Bishop, Dr. Kellison, Dr. Smith, Dr. Champney, and Mr. William Smith, a grave ancient priest, and a very good linguist.

2°. For unity's and good order's sake, it shall be set down by Mr. Archpriest, with the assent of some two or three of his assistants, who shall be first, who second, &c.; and also one of the doctors to be chief amongst them (as the syndic is in Sorbonne), each in his course:—who first, and whether for one year or three, to be also declared by the said Mr. Archpriest, and two of his assistants.

3°. That no other be admitted into that company, without the consent of the greater part thereof, and besides, that they have the consent of the archpriest and two of his assistants, with Mr. T. S.[1]

4°. That each of the society do, once a week, say mass for their founder and benefactors, and once also for the common good of England.

5°. That both in their studies and answering of books, each of them be directed by common consent and most voices.

6°. That one be chosen by them of the company, to receive what is given them, and to record the same, and to make his account when he shall be demanded of them.

7° Because the institution is for the secular clergy, they of the com-

[1] [Thomas Sackville, the founder.—*T.*]

pany must principally respect Mr. Archpriest, or whosoever hereafter shall be the superior of the clergy of England.

8°. That they do unite themselves, as much as may well be, unto the doctors of Sorbonne, to have their good will and countenance.

9°. That they have an especial care to adhere to the see apostolic, in all due obedience, and that they do not intermeddle with matter of state, or of bitter contention; and also that they do abstain from writing or speaking evil of the king, or of any great counsellor.

10°. Finally, that they think upon preaching upon Sundays, if it may be done without hindrance of the appointed studies.

*What books they should first take in hand.*

1°. A brief and pithy Enchiridion of Controversies, like to that of Parkins, wherein the state of the question is to be set down clearly, and the best arguments for the catholic part, with solution of the best and most popular of the contrary.[1]

2°. About the necessity of obeying one church, with believing all the articles of doctrine proposed and practised by the same.

3°. Of the necessity of an ordinary mission.

4°. Of Antichrist.

5°. An explication of the canon of the mass, and proof of that most holy sacrifice.

Having considered these articles, I do think them very necessary for to bring this pious work to perfection; and of the same opinion are my assistants with whom I have conferred of the same: in token whereof we have subscribed our names, this 28th of April, 1612.

GEORGE BIRKHEAD, *Archpriest of England and Protonotary Apostolical.*
JOHN COLLETON, *Assistant.*
EDWARD BENNET, *Assistant.*
JOHN JACKSON, *Priest.*

## No. LVII.—(*Referred to at page* 137).

*Bulla Consecrationis Gulielmi Bishop Episcopi. March* 15, 1622.

[Douay Diary, i. 222.]

Gregorius episcopus, servus servorum Dei, dilecto filio Gulielmo Bishopo, electo Chalcedonensi, salutem et apostolicam benedictionem. Apostolatûs officium, meritis licèt imparibus, nobis commissum, quò

[1] [Was not this the origin of Champney's Manual of Controversies, published in 1614?—*T.*]

ecclesiarum omnium regimini divinâ dispositione præsidemus, utiliter exequi coadjuvante Domino cupientes, solliciti corde reddimur et solertes, ut, cùm de ecclesiarum ipsarum regiminibus agitur, tales eis in pastores præficere studeamus, qui populum, suæ curæ creditum, sciant non solùm doctrinâ verbi, sed etiam exemplo boni operis informare, commissasque sibi ecclesias in statu pacifico et tranquillo velint ac valeant, authore Domino, stabilitèr regere et felicitèr gubernare. Cùm itaque, sicut accepimus, ecclesia Chalcedonensis, quæ in partibus infidelium consistit, certo modo quem præsentibus pro expresso haberi volumus, ad præsens pastoris solatio destituta sit, nos, vacatione hujusmodi ex fide dignis relatibus intellectâ, ad provisionem ejusdem ecclesiæ celerem ac felicem, ne ecclesia ipsa longæ vacationis exponatur incommodis, paribus et sollicitis studiis intendentes, post longum mentis nostræ discursum, quem, de præficiendo eidem ecclesiæ personam utilem ac etiam fructuosam, intra nos ipsos habuimus, demùm ad te, presbyterum Wigorniensis diœcesis, magistrum in theologiâ, de legitimo matrimonio ac catholicis parentibus procreatum, et in ætate legitimâ constitutum, direximus oculos nostræ mentis. Quibus omnibus debitâ meditatione pensatis, te à quibusvis excommunicationis, suspensionis, et interdicti, aliisque ecclesiasticis sententiis, censuris, et pœnis, à jure vel ab homine quâvis occasione vel causâ latis, si quibus quomodolibet innodatus existis, ad effectum præsentium duntaxat consequendum, harum serie absolventes, et absolutum fore censentes, motu proprio, non ad tuam, vel alterius pro te, nobis, super hoc, oblatæ petitionis instantiam, sed ex merâ liberalitate nostrâ, eidem ecclesiæ de personâ tuâ, nobis ob tuorum exigentiam meritorum acceptâ, authoritate apostolicâ providemus: teque illi in episcopum præficientes et pastorem, curam et administrationem ipsius ecclesiæ tibi in spiritualibus et temporalibus plenariè committendo (*committimus*); firmâ spe fiduciâque conceptis, quòd, gratiâ assistente divinâ, ecclesia prædicta, per tuæ circumspectionis industriam et studium fructuosum, regetur utilitèr, et prosperè dirigetur, ac grata in iisdem spiritualibus et temporalibus suscipiet incrementa. Jugum igitur Domini, tuis impositum humeris, promptâ devotione suscipiens, curam et administrationem prædictam sic exercere studeas sollicitè, fidelitèr, et prudentèr, quòd ecclesia ipsa gubernatori provido, et fructuoso administratori gaudeat se commissam; tuque, præter æternæ retributionis præmium, nostram et dictæ sedis benedictionem et gratiam exindè ulteriùs consequi merearis. Hoc etiam tibi, ut ad dictam ecclesiam, quamdiu ab ipsis infidelibus detinebitur, adire, et apud illam personalitèr residere, minimè tenearis, authoritate apostolicâ prædictâ, earundem tenore præsentium, de speciali gratiâ indulgemus. Præterea, ad ea, quæ in tuæ commoditatis

augmentum cedere valeant, favorabilitèr intendentes, tuis in hac parte supplicationibus inclinati, tibi, ut à quocunque, quem malueris, catholico antistite, gratiam et communionem dictæ sedis habente (accitis, et in hoc sibi assistentibus, duobus vel tribus catholicis episcopis, similem gratiam et communionem habentibus), munus consecrationis recipere liberè valeas, ac eidem antistiti ut, recepto priùs à te, nostro et Romanæ ecclesiæ nomine, fidelitatis debitæ solito juramento, juxta formam quam sub bullâ nostrâ mittimus introclusam, munus prædictum tibi impendere licitè possit, plenam et liberam, earundem tenore præsentium, concedimus facultatem. Volumus autem, et dictâ authoritate statuimus atque decernimus, quòd, nisi recepto à te per ipsum antistitem hujusmodi juramento, ipse antistes tibi munus prædictum non impendat; et si ipse antistes munus prædictum tibi impendere, et tu illud suscipere præsumpseritis, idem antistes à pontificalis officii exercitio, et tàm ipse quam tu ab administratione tàm spiritualium, quàm temporalium, ecclesiarum vestrarum suspensi sitis eo ipso. Postremò etiam volumus, quòd formam à te tunc præstiti juramenti hujusmodi nobis de verbo ad verbum per tuas patentes literas, tuo sigillo munitas, per proprium nuncium quantocyùs destinare procures; quodque per hoc venerabili fratri nostro patriarchæ Constantinopolitano, cui prædicta ecclesia metropolitico jure subesse dignoscitur, nullum in posterum præjudicium generetur: Decernentes, provisionem, præfectionem, indultum, aliaque præmissa valere, plenamque roboris firmitatem obtinere, tibique suffragari debere in omnibus et per omnia, perindè ac si illa in consistorio nostro secreto, ac de venerabilium fratrum nostrorum sacræ Romanæ ecclesiæ cardinalium consilio, ut moris est, servatis omnibus solemnitatibus, in similibus observari solitis et consuetis, facta fuissent et emanassent: Sicque, et non aliàs, per quoscunque judices, ordinarios vel delegatos, quâvis authoritate fungentes, etiam causarum palatii apostolici auditores, ac ejusdem Romanæ ecclesiæ cardinales, etiam de latere legatos et vice-legatos, ac sedis apostolicæ nuncios, sublatâ iis, et eorum cuilibet, quâvis aliter judicandi et interpretandi facultate in quâcunque instantiâ, ubique judicari et definiri debere: irritum quoque et inane, si secùs super his à quoquam, quâvis authoritate, scientèr vel ignorantèr, contigerit attentari; non obstantibus præmissis, ac quibusvis constitutionibus et ordinationibus apostolicis, dictæque ecclesiæ Chalcedonensis juramento, confirmatione apostolicâ, vel quâvis firmitate aliâ roboratis statutis et consuetudinibus, cæterisque contrariis quibuscunque. Volumus autem, quòd, antequàm munus consecrationis suscipias, fidem catholicam, juxta articulos jampridem à sede apostolicâ propositos, in manibus alicujus catholici antistitis, gratiam et communionem dictæ sedis habentis, profiteri, eamque fidei professionem, sic

per te emissam, in publicam et authenticam formam de verbo ad verbum, nihil penitùs omisso, cum tuâ et dicti antistitis subscriptione redactam, ad sedem prædictam quantocyùs transmittere omninò tenearis; alioquin præsens gratia nulla sit, eo ipso. Datum Romæ, apud S. Petrum, anno incarnationis Dominicæ millesimo sexcentesimo vigesimo secundo, Idibus Martii; pontificatûs nostri anno tertio.

*Breve Destinationis Gulielmi, Episcopi Chalcedonensis. Martii* 23, 1623.

[MS. in my possession.]

Gregorius Papa XV.

Dilecte fili, salutem et apostolicam benedictionem. Ecclesia Romana, solicita de salute filiorum mater, in eos præcipuè cordis sui affectum intendit, qui pastoralis providentiæ auxilio magis indigent. Itaque, non sine viscerum nostrorum commotione, considerantes catholicos regnorum Angliæ et Scotiæ, hæresis violentiâ oppressos, utilitatibus iis destitui quas cæteri ecclesiæ filii ab episcoporum ministerio percipiunt, episcopi solatio, quantùm cum Domino possumus, eos sublevare decrevimus. Quapropter, de tuâ fide, prudentiâ, integritate, catholicæ religionis zelo, ac doctrinâ plurimùm in Domino confisi, tibi, ut, postquàm munus consecrationis susceperis, et ad eadem regna te contuleris, ad solatium animarum, et spirituale bonum Christi fidelium catholicorum, in regnis Angliæ et Scotiæ prædictis existentium, sive quos pro tempore ibi existere contigerit, ad nostrum et sedis apostolicæ beneplacitum, omnibus et singulis facultatibus, olim archipresbyteris Angliæ, à sede apostolicâ deputatis, per felicis recordationis Clementem octavum et Paulum quintum, Romanos pontifices, prædecessores nostros, concessis; necnon quibus ordinarii in suis civitatibus et diœcesibus utuntur, fruuntur, et gaudent, ac uti, frui, et gaudere possunt, similitèr uti, frui, et gaudere liberè et licitè possis et valeas, apostolicâ auctoritate tenore præsentium concedimus et indulgemus, ac licentiam et facultatem impertimur: non obstantibus apostolicis, ac in universalibus provincialibusque et synodalibus conciliis editis, generalibus vel specialibus constitutionibus et ordinationibus, cæterisque contrariis quibuscumque. Datum Romæ, apud S. Petrum, sub annulo Piscatoris, die vigesimâ tertiâ Martii, anno Domini millesimo sexcentesimo vigesimo tertio, pontificatûs nostri anno tertio.[1]

S. Cardinalis Sanctæ Susannæ.

*Sealed with red wax, and endorsed thus,*

"Dilecto Filio, Gulielmo, Electo Chalcedonensi."

[1] [Instead of this breve, Dodd originally printed what he mistook for an extract from it, and then, upon the strength of this supposed extract, proceeded

*** *Decretum pro Gulielmo, Episcopo Chalcedonensi.* 1623.

[Ward's Validity of the Chapter, MS. belonging to the Dean and Chapter, p. 10.]

Gregorius Papa, &c., dilecto nobis in Christo, Gulielmo, electo Anglorum episcopo, salutem et apostolicam benedictionem. * * * Atque ut omnium tàm ecclesiasticorum quàm laicorum in Angliâ degentium tranquillitati, regimini, et saluti, atque etiam episcopi prædicti levamini, meliùs consulatur, concedimus et declaramus per præsentes, quòd liceat episcopo prædicto virum aliquem discretum, et ad hujusmodi munus obeundum habilem et idoneum, eligere, et per literas suas patentes nominare et constituere, qui authoritate et jurisdictione vicarii episcopi generalis fulciatur, quique personas omnes, tàm ecclesiasticas quàm laicas, intra Angliam degentes, secundùm canones et ecclesiasticas Angliæ consuetudines olim ibidem receptas et approbatas, regat et gubernet: qui quidem vicarius generalis, sicut præmittitur nominatus et constitutus, excessus, delicta, et crimina personarum omnium tàm ecclesiasticarum quàm laicarum intra Angliam commorantium, quæ, sive per inquisitionem sive per denunciationem, ad cognitionem ipsius pervenerint, sive ex officio mero sive promoto, secundùm canones et consuetudines prædictas, judicialitèr si commodè fieri possit, sin minùs, extrajudicialitèr, corrigendi et puniendi, necnon lites quæ ad forum ecclesiasticum spectant cognoscendi et terminandi, summariè et judicialitèr si commodè fieri possit, sin minùs, extrajudicialitèr, facultatem habeat et plenariam potestatem.

Volumus insuper quòd vicarius generalis prædictus unam vel plures personas idoneas delegandi vel substituendi, quæ in diversis partibus Angliæ vices et munus vicarii generalis, in excessibus et delictis prædictis corrigendis et puniendis, necnon in litibus et causis prædictis

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to argue, as the reader will see presently, that the jurisdiction of Dr. Bishop was not held either *ad beneplacitum*, or for life, but was intended to continue "till the conversion of the nation from heresy and schism." This was in his second volume. Subsequently, however, he discovered his error; and, at the commencement of his third volume, he printed the breve itself, which he thus introduced;—"Here, in the first place, I must crave the reader's leave to rectify a mistake, committed in the second volume of this history (p. 466), where an account is given of the powers granted to William, titular bishop of Chalcedon, by the breve of Gregory XV. The account is given as a part of that breve; whereas those powers are not expressed in the breve itself, but supposed to be inferred and gathered from it by those who treated of them, as above-said. The breve itself is as follows, word for word."—The truth is, that the extract in question is taken from a decree, issued after the breve, and conferring on Dr. Bishop the power of appointing a vicar-general, who, together with the name, was to enjoy all the ancient privileges and authority belonging to that officer. The decree follows in the text: but I may here shortly remark that no incidental provision in such an instrument could by any possibility affect the nature of the jurisdiction conferred by the breve itself.—*T.*]

modo quo præmittitur cognoscendis et terminandis, fidelitèr suppleant et exerceant, licentiam et facultatem habeat ab episcopo prædicto, in literis prædictis specialitèr concessam. Nolumus tamen per hoc prædicto episcopo in juribus, privilegiis, aut prærogativis suis episcopalibus, in aliquo quomodolibet derogari, quin "possit prædictus episcopus quos et quotquot voluerit archidiaconos, sive etiam archipresbyteros, per diversa infra Angliam loca, prout ipsi meliùs videtur expedire, nominare et constituere, qui munus et authoritatem archidiaconorum, sive archipresbyterorum liberè valeant exercere."[1] Volumus tamen quòd cuilibet personæ, quæ se ab archidiaconis sive archipresbyteris, vel eorum aliquo, gravatam sentiat, ab iisdem vel eorum aliquo ad episcopum prædictum, sive vicarium ejus generalem, provocare liceat et appellare.

Volumus etiam et declaramus, atque authoritate apostolicâ concedimus, quòd prædictus vicarius generalis potestatem, authoritatem, et jurisdictionem, sibi sicut præmittitur concessam, sive præsente episcopo, sive ipso in remotis agente, sive etiam sede episcopali vacante, liberè valeat exercere; nec liceat episcopo prædicto, nec cuilibet successorum ejus, potestatem sive jurisdictionem, sicut præmittitur concessam, nisi justam ob causam auferre, sive quomodolibet revocare: Et si fortè in hâc, sive re aliâ quâcumque, vicarius prædictus se ab episcopo prædicto gravatum sentiat, liceat prædicto vicario ad legatum sive nuncium nostrum apostolicum, qui pro tempore in Galliâ demoratus fuerit, appellare.

"Quòd si, per Dei gratiam ac infinitam misericordiam, aliquando fides catholica in Angliâ revixerit, adeò ut in sedibus omnibus episcopalibus et archiepiscopalibus, quæ ibidem olim erectæ, confirmatæ, et stabilitæ sunt, viri catholici et ideonei ordinari et constitui potuerint, volumus et declaramus quòd potestas omnis et jurisdictio, prædicto episcopo concessa, ex tunc cesset omninò, et fiat irrita, nullamque habeat prædictus episcopus in Angliam, sive personas aliquas ibidem degentes, authoritatem aut jurisdictionem, donec ad sedem aliquam episcopalem sive archiepiscopalem ibidem canonicè fuerit electus et translatus."

*Father Rudisend Barlow to Dr. William Bishop*; *June* 15, 1623.

[MS. in my possession.]

Right reverend father in Christ, and my very good lord,

Being it hath pleased Almighty God to make choice of your lordship's person, to be the ordinary bishop of our nation, by this, in the

[1] [This passage and another, at the end, marked with inverted commas, form the extract printed by Dodd, to which I have alluded in the preceding note.—*T.*]

name of our whole body, which consisteth of all the benedictines belonging to the Spanish or English congregations of St. Bennet's order, I do promise unto your lordship all due respect and reverence; all filial love and correspondence: and assure your lordship, that all ours shall endeavour, and labour by themselves and friends, to persuade all the catholics of our nation, to yield due obedience unto your lordship; and to oppose ourselves against any who shall impugn or withstand your lordship's place and authority. Thus craving your lordship's blessing, after my best wishes for your long life and prosperity, I cease to be troublesome. From St. Gregory's college in Douay, June 15, 1623.

The least of your lordship's children,
B. RUDISEND BARLOW,
Unworthy president of the English benedictine congregation.

*Father Leander de S. Martino to Dr. William Bishop; August* 1, 1623.

[MS. in my possession.]

Right rev. father in God, and my very good lord,

With joy and contentment from my heart, I write this title, and congratulate your happy arrival into these parts; proposing, God willing, with all speed, to come in person, and be partaker of your holy blessing. In the mean space, that you may see I do dearly honour and respect you, I write these few lines, though rude and homely, yet full of true love and reverence unto your person and place; in which I beseech God to maintain you long in health, grace, contentment, and happiness, to the good of our poor afflicted church of England, and to the happy union of minds and endeavours in the workmen of God's vineyard, of whom you are now here right worthily made the chief overseer. Disceptavit pro te Dominus Christus, deditque sententiam notatu dignissimam; ut qui pro hac causâ Romæ ab æmulis fueris olim indignè tractatus, nunc, iisdem invitis, ad ipsius, quem nec tunc nec nunc ambiebas, sed pro ecclesiâ hac procurabas, episcopatus apicem sis exaltatus. Blessed be his name, that in his due time judges his servants' cause so rightly and mercifully. His divine majesty always protect your lordship; and so I beseech you to accept of this poor office of

Your lordship's humble servant,
Aug. 1623. F. LEANDER DE S. MARTINO,
Prior of the English benedictines of St. Gregory.

*Endorsed*:—"To the most reverend father in God the Lord William, Bishop of Chalcedon, Ordinary of England, &c., my very good lord and patron."

*F. Joseph de S. Martino to Dr. Bishop; October 26, 1623.*

[MS. in my possession.]

Most rev. father in God, my very good lord.

I deferred my duty in congratulating our good hap, in seeing the hierarchy of our afflicted church begun to be re-established in your person, after so long a discontinuance thereof; because I daily expected your coming into these parts. But since your occasions bring you not hither so soon, as I wished, I do, by this letter, in all love and humility, offer to your lordship, in my own and my brethren's name, all the service and duty which our ability can perform; beseeching your most reverend fatherhood to be fully persuaded, that we are all most ready to concur and correspond with you in all matters appertaining unto God's honour, and good discipline of our church, so far forth, as our exemption giveth us leave; and that is as far, I am sure, as true and plain-dealing men can stretch their poor endeavours. Of this our readiness, I desire your lordship to take this my letter as an obligatory promise: and when it shall please God to guide you hitherward, myself and my colleagues will, in person, confirm so much; and actually perform what shall, by conference and consultation, be found fitting, practicable, and convenient to nourish love between us, and maintain good order. Thus, wishing Almighty God to preserve you in all happiness, I humbly take my leave, remaining always,

Your lordship's poor beadsman,

F. JOSEPH DE S. MARTINO,

Provincial of the benedictines of the province of Canterbury; in the name also of F. Bede de Montserrat, provincial of the province of York. Lond. Oct. 26, 1623.

*Endorsed:* "To the right reverend father in God, my very good lord, William, Bishop of Chalcedon, Ordinary of England."

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To make the reader more capable of judging of the tendency of these records, concerning William, bishop of Chalcedon, it will be requisite to say something of his pretensions, in regard both of jurisdiction and of the authority of the chapter erected by him. I will sum up the arguments of both the contending parties, and leave the matter to be decided by those, who have sufficient abilities and authority to pronounce upon it. My intention is only to report the fact, and not interest myself either in the proofs or objections.

*The Case stated concerning William, Bishop of Chalcedon's Jurisdiction.*

The catholic bishops, being deprived of their dignities, and confined, in the year 1559, were entirely incapacitated, as to the exercise of their

jurisdiction over the clergy and laity, that adhered to the Roman communion; and no care being taken to supply their places, as they dropped, their whole party laboured under a kind of anarchy, for want of such a provision: and, though some deference was paid to the few surviving bishops, as also to persons of character among the inferior clergy, yet it was only a prudential submission, and a very precarious economy. This inconvenience was in some measure redressed, in the year 1568, when Dr. Allen, having sent over missioners from his college at Douay, was appointed to be their superior, with a power to inspect their conduct in England. This jurisdiction was farther confirmed to him, when he was created cardinal, and made protector of the English nation, in the year 1587: For then, not only the seminary priests, but those that remained of queen Mary's reign, who commonly were called "the Old Priests," became subject to him; no other having any pretence to claim any authority over them, after Dr. Watson, the bishop of Lincoln's death, which happened in the year 1584, whose jurisdiction, while he lived, could extend no farther than his own diocese. Yet all this while the clergy, and I may say all the catholics, were unprovided of an immediate superior residing in England; every missioner acting, as it were, independently, according to the nature of the faculties they received from cardinal Allen, or, by his deputation, from the superiors of the colleges, from whence they were sent. Cardinal Allen dying in the year 1594, the catholics of England, especially the clergy, struggled again, till the year 1598, with all the inconveniencies of an anarchy; and, after frequent remonstrances for a redress, pope Clement VIII. at last was pleased to send over Mr. George Blackwell, with the title of archpriest; but with great reluctance of many of the principal persons among the clergy. Frequent applications had been made by them to the court of Rome, from the year 1580, that one with the episcopal character might be sent over to govern them; but father Persons, being most in favour, and one of the greatest authority after cardinal Allen's death, though he often seemed to encourage the proposal, yet, for some private reasons, did strenuously assert and stand up for the economy under an archpriest.[1] This was the established government of the clergy, from 1598 till 1623, under the three archpriests, Blackwell, Birkhead, and Harrison, who, though they exercised a kind of episcopal jurisdiction, yet the English catholics still looked upon themselves as a flock without a pastor; the title of archpriest not coming up to what the discipline of the church, ap-

[1] [See this history, iii. 48 et seq., and the Additional Article II. at the commencement of the next volume.—*T.*]

pointed by Christ, seemed to demand. Hence, time after time, as they found encouragement, the clergy renewed their petition at Rome for a bishop, but met with no success, till, a favourable juncture happening in the year 1623, by means of the designed match between England and Spain, William Bishop, a doctor of Paris, was consecrated by the title of bishop of Chalcedon; but vested with full jurisdiction over all England, till its conversion from heresy and schism.[1]

Dr. Bishop came over into England, to govern the catholics in quality of ordinary, and met with no opposition from the regulars in the exercise of his jurisdiction, which lasted but a very short while; to wit, only ten months and twenty days from his consecration: for then it pleased God to deprive his flock of him, and of the great hopes they had in him, and call him out of this life.

After his death, the dean and chapter, erected by him, exercised the jurisdiction belonging to them *sede vacante*, and, in the meantime, applied to the see of Rome for a successor: but all they could obtain, instead of that comfort, was a successor to his title only, and not to his jurisdiction, as shall be shown hereafter, Part vi. art. 2.

*Objections against the ordinary Jurisdiction of William, Bishop of Chalcedon, over all England.*

Of the many objections made afterwards to the ordinary power and jurisdiction of Richard, bishop of Chalcedon, these two may be looked upon as of equal force against that of William,—

*First Objection.* It is without a precedent, that an ordinary should be established over a whole nation or kingdom; and no less contrary to the intention of the court of Rome, as was afterwards decreed.

*Answer.* The case of all the ordinaries in England being deceased, their chapters extinct, and jurisdictions lost, without the least endeavour to keep them up by supplying the defects as they happened, was so extraordinary, that it is in vain to insist upon precedents; nor is it the extent of the counties or provinces, over which the power and jurisdiction is granted, that is to be considered; but the number of the subjects, or faithful. And it was upon this account, that one archpriest, with twelve assistants, was judged sufficient to have the care of all in the nation, that persisted in the communion of the Roman see; and the regulars, in general, were not displeased with the economy: after which example, it could not, with any good grace, be pretended,

[1] [Not "till its conversion from heresy and schism", but "ad nostrum et sedis apostolicæ beneplacitum." The origin of Dodd's mistake has been pointed out in a preceding note, p. cclxxiii.—*T.*]

that to commit the same power and care to one bishop, with his chapter, was not convenient.[1]

*Second Objection.* As the bishop of Chalcedon was consecrated to the see of Chalcedon, so was his ordinary power and jurisdiction limited to that diocese. Therefore, whatever power and jurisdiction he had in England was extradiocesan, extraordinary, and delegated.

*Answer.* The discipline of the church required that no bishop should be consecrated without a title; and it being not safe to consecrate a bishop to any of the sees in England, for fear of exasperating the government, and raising a persecution, it was judged most proper to ordain a bishop titular of some vacant see among the infidels, and then assign him his power and jurisdiction in England; much after the same manner, as the bishop of one diocese may, upon occasion, hold another in *commendam*, and have ordinary power over both:—though there were ancient sees enough in the nation; as Hexham in Northumberland, afterwards removed to York; and Lindisfarne, removed to Durham; and Dorchester in Oxfordshire, removed to Lincoln; with many others in several counties, to which a bishop might have been consecrated, as safely, and with as little offence to the government, as to Chalcedon; because they were as little known, or mentioned, or even thought of. But this was either not reflected on, or else disregarded.

## No. LVIII.—(*Referred to at page* 138.)

### *Instrumentum Capituli Cleri Anglicani, per Gulielmum Bishop, Episcopum Chalcedonensem, instituti, Septemb.* 10, 1623.

[Original formerly in Douay College: MS. copy in my possession.]

Gulielmus, Dei et apostolicæ sedis gratiâ, episcopus Chalcedonensis, ordinarius Angliæ et Scotiæ, universis præsentes literas visuris salutem in Domino sempiternam. Postquam Deo et patri Domini nostri Jesu Christi, patri misericordiarum, et Deo totius consulationis, visum est ecclesiam Magnæ Britanniæ catholico pastore, quo multorum annorum spatio, non sine gravi ejusdem detrimento, orbata fuit, tandem postliminiò donare, nosque, licèt meritis longè impares, eidem ex infinitâ suâ miseratione præficere, ad officii nostri rationem spectare videbatur, ut, omnibus quibus possemus modis, sartam tectam exornare studere-

[1] [This reply is the more unsatisfactory, that it admits the fallacy assumed in the objection. It is not true that the appointment of an ordinary to the superintendence of a whole nation is without precedent. To say nothing of the fact that St. Augustine was consecrated "archbishop of the English nation" (Bede, l. i. c. 27), it is certain that St. Paul created Titus bishop of Crete, with all its hundred cities; and that, for many ages, the immense tracts of Scythia acknowledged the authority but of one episcopal superior:—*ἀμέλει Σκύθαι πολλαὶ πόλεις ὄντες ἕνα παντες ἐπίσκοπον ἔχουσιν.* Sosomen, lib. i. c. 27.—*T.*]

mus. Constituto igitur ordinario populi catholici per potiores regni partes, per vicarios generales archidiaconos et decanos rurales, regimine, ad decanum et capitulum, cleri partem principalem, et cujusque ecclesiæ ornamentum et firmamentum, instaurandum animum adjecimus. Nam cùm episcopalis dignitas cathedralem ecclesiam requirat, cathedralis autem ecclesia ex decano et capitulo consistat, in quo plures, tùm vitæ ac morum integritate, tùm gravitate ac prudentiâ præditi, sacerdotes associantur, qui Deum assiduis precibus laudent, episcopo à consiliis adsint, et reliquo clero piæ conversationis exemplo præluceant; absque eâ certè formâ, hierarchicum ordinem imprimis referente, et ad ecclesiæ jurisdictionis stabilitatem plurimùm conferente, ecclesiæ nobis commissæ facies non nisi umbratilis, aut certe valdè informis atque impolita videretur. Quòd si verò ecclesiam materialem, in quâ sedem nostram figamus, necdùm præ temporum conditione habeamus, uti nec reditus ecclesiasticos, unde capitulum et singula ejus membra de more honestè sustententur, id instituto nostro nequaquàm obstare debet; cùm etiam antiquissimis christianis, apud quos tamen ecclesiasticæ disciplinæ forma, sanctissimè constituta, inviolabilitèr, etiam in mediis persecutionibus, semper viguit, ejusmodi subsidia ac proventus defuerint. Id nobis satis superque est, quòd spiritualis ecclesia non desit, id est, cœtus fidelium, ejusmodi viris, tanquam ecclesiastici corporis vivis membris, abundans, qui omnia præfatæ societatis munera pro dignitate obire, ac præstare valeant. Quapropter, post maturam hac de re habitam deliberationem, non tantùm cum prudentissimis gentis nostræ hominibus, verùm etiam cum exteris prælatis sapientissimis, qui ad episcopum spectare, inque illius potestate situm esse censuerunt, decanum et capitulum in suâ diœcesi constituere, illudque ad conservandam episcopalem atque ordinariam jurisdictionem omninò expedire, in eam devenimus sententiam, ut, prædictis de causis, decanum et capitulum catholicum, à multis jam annis collapsum, instauraremus, et, quantùm in nobis est, ad suam originem revocaremus; servatâ tamen in hoc, uti et in cæteris omnibus, debitâ erga sedem apostolicam reverentiâ atque observantiâ; cui propterea supplicandum duximus, ut quicquid potestati nostræ in hac parte meritò deesse potuerit, id summi pastoris suffragio ex potestatis suæ plenitudine suppleatur. Itaque ad Dei Omnipotentis imprimis gloriam, et ecclesiastici ordinis ac formæ, in cæteris orbis christiani ecclesiis usurpatæ, instaurationem, decanum et capitulum in ecclesiâ Anglicanâ nostræ pastorali sollicitudini commissâ, erigendum, constituendum, et instaurandum curavimus, et, per præsens instrumentum ac literas nostras patentes, omnibus melioribus modo, viâ, jure, causâ, formâ, atque ordine, quibus meliùs, validiùs, atque efficaciùs possumus ac debemus, erigimus, constituimus, et instauramus: et infra

nominatos reverendos dominos ad idem capitulum componendum et constituendum eligimus et consignamus; nimirùm, D. Johannem Colletonum, reverendissimi domini archipresbyteri vices nuperrimè gerentem; D. Thomam Worthingtonum, proto-notarium apostolicum; D. Richardum Smithæum, D. Johannem Bossevill, D. Thomam Wright, sacræ theologiæ doctores; D. Johannem Mitchellum, D. Arthurum Pitseum, D. Richardum Broughtonum, D. Odoardum Benettum, D. Thomam Moram, D. Johannem Jacksonum, D. Oliverium Almannum, D. Cuthbertum Trollopum, D. Rogerum Stricklandum, D. Josephum Haynes, D. Richardum Buttonum, D. Humphredum Hanmerum, D. Georgium Fisherum, et D. Humphredum Hughes; omnes spectatæ vitæ et integritatis presbyteros, et ad clerum populumque catholicum per universam Angliam gubernandum à nobis electos archidiaconos: ex quibus præfatum D. Johannem Colletonum decanum capituli assignamus, deputamus, et investimus. Eidem porrò capitulo, sive omnibus suprà nominatis junctim capitulum dictum componentibus et constituentibus, tribuimus, concedimus, et permittimus omnem illam dignitatem, potestatem, et authoritatem, quæ decano et capitulo, jure communi, vel ordinariâ ecclesiæ consuetudine, debentur. In quorum omnium et singulorum fidem, præsentes literas fieri, et per secretarium nostrum infrà nominatum subscribi, sigillique nostri jussimus ac fecimus impressione muniri. Datum Londini, anno à nativitate Domini millesimo sexcentesimo vigesimo tertio, indictione sextâ, die decimo mensis Septembris.

De mandato reverendissimi Domini,

GULIELMUS FARRARUS, Secretarius.

*** *Dr. Bishop to his agent, Mr. Thomas Rant, Sept.* 25, 1623.

[Original in my possession.]

Very Reverend Father,

I have at length made ready all that I thought requisite, to furnish you in that long and painful journey to Rome. * * I have been very joyfully received of all our clergy and laity, as well nobles as of the meaner sort; and have been very busy to reduce the catholic clergy and laity unto the ordinary government of the canons, as near as I can, without offence of the state. * * Concerning your negotiation, the point which may be questioned is my creation of dean and chapter. As for vicar-generals and archdeacons, every one teacheth that it lieth in the bishop's power to make them; for that he cannot, without their help, govern one diocese, much less a whole kingdom: yet these archdeaconries be so cast, that the ministers cannot be justly offended with them; for they be not distributed by bishoprics, as theirs are, but by shires; and ours have authority over catholics only, who will not be

governed by their archdeacons, and not over any protestants who be of their flock. Wherefore the state itself cannot blame us, who seek to order them only, who will not be ordered by their new injunctions and disorderly ministers: yea, they must confess that we do them a pleasure, to bring them to lives orderly, whom they cannot rule.

Now, concerning dean and chapter, they are in all catholic countries holden for the principal men of the clergy, ordained, as to serve God hourly, so to assist the bishop with their counsel, and to be an example unto the rest of the clergy. Whereupon it followeth that his holiness, giving me the ordinary power and authority of a bishop, doth consequently give me power to institute dean and chapter, as a society of grave learned men, without whom neither the bishop himself, nor the rest of the clergy, can well consist. Neither is it material that I have no cathedral church, to give them residence in, nor revenues to maintain them; of both which, God be thanked, they can provide for themselves: for it is not the place or maintenance that makes the men fit for that calling, but the qualities and gifts which be in the men, which will in time, we hope, draw the rest after them. The ancient bishops in the primitive church, during the time of persecution, had, no doubt, such worthy men about them, as might well have been named a dean and chapter; but it sufficed them to have the matter itself, though not under those terms, which were very conveniently brought in afterwards: So we do request that we may name the like qualified men, by the name of dean and chapter, which are now usual names, all catholic countries over, yea, and in ours also. Besides, a cathedral church is so called, because the bishop doth make his ordinary residence there, and setteth, as it were, his chair in that place; for "*cathedrale*" doth come of "*cathedra*," the bishop's chair. And what cathedral church is there without dean and chapter? Finally, the dean and chapter have many privileges, by the canons of the church, and, among the rest, one that we do chiefly aim at, which is, that episcopal jurisdiction doth remain among them, until a new bishop be chosen and consecrated. We have but one bishop. If God should call him, then were all episcopal jurisdiction lost in our country, unless there be dean and chapter to conserve it. Wherefore, labour, I pray you, very carefully, to obtain of his holiness that he will be pleased to confirm and establish our dean and chapter, with power in the chapter, if our bishop should be dead (otherwise to remain in the bishop), to choose a dean, if he that is now chosen by me should hap to die. For this get the pope's breve; holding it to be one of the chiefest matters that you have now to do.

To give you a brief, for your own instruction, of the manner of our new established government, thus it is:—Over all England I have

appointed five vicars general,—one over the east, Mr. Colleton; the second over the south, Mr. Dr. Smith; the third over Wales and the west, Mr. Edward Bennet; the fourth over the north, which is Mr. Broughton; and [to] the fifth I leave the midst of the country, which may be either Mr. Dr. Boswell, or Mr. Arthur Pitts, if he come as he promised.

There be twenty archdeacons, who have, each one, two shires a-piece, saving Mr. Nelson, who hath the charge of six, and so have the two archdeacons of Wales, each of them, six. Under every archdeacon are two deans of the country, *Decani Rurales*, in each shire one, to hearken after all the disorders of catholics in those shires, and to advertise the archdeacon thereof, that they may be amended. Besides, there shall be in every shire a notary, to record what the archdeacon there concludeth, and to gather together such things as have happened, or shall happen, in the same, concerning the catholic cause.

The dean and chapter are to assist the bishop with their counsel, and to preserve episcopal authority, if the bishop should hap to die.

I desire you to obtain of his holiness that such of our countrymen as have livings abroad, in other countries, may be dispensed withal for their residence there, for three years; so that they leave in their places sufficient men to discharge that duty which they were to perform; allowing unto them a sufficient portion to maintain them honestly:—and, by name, I would request that favour for Mr. Arthur Pitts, canon of Remiremont in Lorrain, who is able to do our country much good, and willing to labour here, so he may draw some relief from his canonry, and not be put out of it, for his absence.

I do also send you here enclosed a copy of faculties granted to the jesuits at their going into Ireland, at the request of cardinal Arrigoni; desiring you to get cardinal Bandino, or some other of our friends, to procure me the same, with that last line set down in it, and this only addition,—that what faculty soever any religious man in our country hath, I may enjoy and practise the same. This is all that now comes to my mind, which I recommend unto your care and diligence. I will not, at the first, find fault with any of the religious men's extraordinary faculties, and how they do communicate the same to every mean member of their body. This I leave for hereafter. Thus with my very hearty commendations, and praying our blessed Saviour to send you a happy journey, I rest, Your affectionate friend,

WILLIAM, Bishop of Chalcedon.

*The Case stated concerning the Jurisdiction of the Chapter erected by William, Bishop of Chalcedon.*

When Dr. William Bishop was consecrated titular bishop of Chal- and had the full [illegible] jurisdiction over all

England vested in him, till the nation should be converted from heresy and schism, he consulted several of the most eminent canonists of those days, about the best and most regular manner of executing it, and, namely, Herman Ottemberg, formerly *auditor rotæ* at Rome, and at that time bishop of Arras; and they all agreed that his episcopal power and jurisdiction, being expressly settled till the conversion of the nation from heresy and schism, as abovesaid (page 467), and not *ad apostolicæ sedis beneplacitum*, nor for life[1] (as certainly the conversion of the nation was not, and is not), was therefore properly and strictly ordinary; and that, as the means of supporting and continuing ordinary episcopal jurisdiction was by a chapter, so he had unquestionably the power and authority to erect one for that purpose, till the nation should be converted.

Accordingly, he did so: but, before he could get it confirmed by the see of Rome, he departed this life, the 16th of April, 1624; and the chapter, nevertheless, exercised ordinary jurisdiction, as devolved unto them, till Dr. Richard Smith was elected and consecrated bishop of Chalcedon, with power and jurisdiction over all England; but *ad nostrum et apostolicæ sedis beneplacitum* only; so that he was no successor to William, of Chalcedon, in his power and jurisdiction, but in title only, and no more than a delegate, and vicar apostolic; and, consequently, the chapter, erected by William, titular of Chalcedon, had still all the right to the ordinary jurisdiction of their late bishop; and it was in their wrong that he took it upon him, and in their own wrong that they admitted a vicariate jurisdiction; though it does not appear that the chapter was ever sensible of it in the least.

Bishop Richard, of Chalcedon, constantly styled himself ordinary of England; and was complimented by the pope's secretary, cardinal Bandini, from Rome, with that title:[2] but, upon a more serious reflection, he was at last admonished by the pope's nuncio, at Paris, to desist from styling himself ordinary of England, and from taking that style from others:—and with good reason; because the proof of his claim, upon due examination, was found to be weak and insufficient. By his brief, he had, granted him, all and every one of the faculties, that ordinaries enjoy in their dioceses: but, by the addition of *ad nostrum et apostolicæ sedis beneplacitum*, it was expressly declared he had the power of an ordinary, without being an ordinary: for no ordinary jurisdiction is *ad apostolicæ sedis beneplacitum*. And, as a delegate bishop may, upon

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[1] [See the note in page cclxxiii, ante.—*T.*]

[2] [This is a mistake. Cardinal Bandini's letter was addressed to Dr. Bishop, not to Dr. Smith. I possess two contemporary copies of it: a third, transcribed from the original, is inserted by Ward in his "Validity of the Chapter" (p. 13). It is dated April 5, 1623.—*T.*]

some occasions, be empowered to do all things in another's diocese, that the ordinary himself can do, yet without being the ordinary of the diocese, so bishop Richard of Chalcedon was empowered to do every thing in England, that one bishop by a due commission can do in the diocese of another, excepting only what essentially requires to be done, validly, by the ordinary, as such: and the erecting of a chapter is universally acknowledged to be of that nature; because a delegate cannot appoint his jurisdiction to devolve upon any other.

However, Richard of Chalcedon, instead of getting the chapter, which had been erected by William of Chalcedon, ratified and confirmed, undertook to new model it, and, as it were, to erect a chapter himself, by two instruments, one dated the thirteenth of March, 1627, the other dated the eighth of January, 1645.[1] And, what is astonishing, the chapter never questioned his doing it, but rather looked upon themselves as erected by him. Nevertheless, this disorder did in no wise destroy the chapter erected by William of Chalcedon. All the validity it had, was from him alone; and what was done in its wrong by Richard of Chalcedon, though by their own consent, could not abolish it.[2]

*Objections against the validity of the chapter.*

*First objection.* The chapter was erected by William of Chalcedon,

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[1] [These documents will be found in the succeeding volume of this history. —*T.*]

[2] [The whole of this reasoning is founded on the mistake already noticed. The jurisdiction of the two bishops was not only the same in itself, but was moreover expressed in the very same words. In each instance, it was conferred *ad beneplacitum;* and if this limitation destroyed the ordinary character of Dr. Smith, and the validity of the chapter as confirmed and remodelled by him, it must have produced the same effect, in the case of Dr. Bishop and of the chapter which he originally erected. Hence, if we admit Dodd's reasoning, it was impossible for Dr. Smith to inflict a "wrong" upon the chapter; because it was impossible for his predecessor, no less than for himself, to have invested that chapter with a legal existence. In that case, there could have been no chapter to wrong, no authority to set aside. The "delegate could not appoint his jurisdiction to devolve upon another"; and Dr. Bishop, therefore, as well as Dr. Smith, had assumed a power beyond the limits of his office. There is reason, however, to dispute the ground of this argument. That the bishops in question were both delegates is certain: but that they were delegated to exercise the powers of ordinaries, without limitation or exception, is not less undoubted. Without *being* ordinaries, they were invested with all the *authority* of ordinaries: they were empowered to do whatever ordinaries in their own dioceses could do; and the only difference, therefore, between a chapter established by an ordinary bishop, and that erected and confirmed by these prelates, seems to have been, that the former would have been appointed by the inherent right of the see, the latter was instituted in virtue of the delegation from Rome: that the one, when called into being, would have had an independent existence of its own, the other, though endowed with the same principle of vitality, was nevertheless liable to be suspended or destroyed at any moment, by the power which had commissioned its author.—*T.*]

without the pope's confirmation, or approbation, as the laws of the church require.

*Answer.* There was no approbation requisite, to erect the chapter. It was in William of Chalcedon's power to erect it, and make it ready for approbation and confirmation; but, before it could be approved and confirmed, he died: and, though nothing was done to that purpose, during Richard of Chalcedon's life, yet, after his death, the chapter resumed their ordinary jurisdiction, as it was devolved unto them from their true founder, William of Chalcedon; and, in the mean time, solicited for an ordinary.

Pope Alexander VII. being applied to, and, for some reasons known to himself, making a demur, demanded of the clergy's agent, Mr. Plantin, whether they had not a chapter and a dean?—and, being told that they had a chapter, erected by the late William of Chalcedon, he answered, that that was the most fit, for the present, to exercise jurisdiction and govern, till they had a bishop given them; and ordered it should do so.[1] This was as express an approbation, as could be given, *viva voce;* and a confirmation too, as being a commission to exercise ordinary jurisdiction, *sede vacante*, as other chapters do in all parts of the church: and this exercise, being publicly, notoriously, and undeniably continued for thirty years together, without the least hint of any exception, difficulty, or scruple from Rome, was, in the opinion of all equitable persons, equivalent to a confirmation by a brief, or a bull, or any authentic instrument whatsoever; and the right, thereby created, was not to be forfeited or lost, otherwise than by a canonical fault; and therefore, a vicariate jurisdiction could not afterwards be introduced into England, but in wrong of the chapter and clergy.[2]

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[1] [His answer was, that they "should have a bishop after seven months, or as soon as it should be convenient; and that they should govern, in the mean time, by the chapter." Ward's MS. "Validity of the Chapter," 98.—*T.*]

[2] [See, however, note 2, in the preceding page. For thirty years the authorities at Rome suffered the chapter to exercise the whole jurisdiction of the country. For thirty years they continued to correspond with it as a capitular body; and, in one instance, even officially declared that a vacancy had occurred in it (Ward's MS. 87, 88; Serjeant's Transactions of the Chapter, 60). All this distinctly proves the acknowledged validity of its powers: but it does not show that any "wrong" was committed by the introduction of a vicarial jurisdiction; because it does not show that the pope, who had never confirmed the institution, had lost his original right of suspending or withdrawing the faculties, conferred on it by his delegate. It is not to be supposed that Dr. Bishop could impart a greater power than he had himself received. His own jurisdiction was revocable at the will of his superior: the jurisdiction imparted by him to the chapter must have been of the same character: and the pope, in suspending it, on the appointment of Dr. Leyburn (for it is to that event that Dodd alludes), only exercised the right which he had originally reserved to himself, in the commission to the bishop of Chalcedon.—*T.*]

*Second Objection.* A chapter fixed to no particular place, without title, without revenues, privileges, &c. is uncanonical and whimsical.

*Answer.* A distinction is to be made between what is essential, and what is only convenient and accidental to a chapter; between the usual methods prescribed by the canons, and the extraordinary circumstances which a church may sometimes be reduced to. Episcopal jurisdiction may be reckoned one of the essentials of a chapter, *sede vacante*, as being partly the final cause of its institution: for so several councils and the practice of the church have ordered it, with very good reason. For otherwise, during a vacancy, the flock must lie unavoidably under great distractions, as being unprovided of many spiritual benefits and helps. But, as for names, titles, revenues, privileges, &c., wherewith chapters are usually endowed, they are comfortable and honourable supports; but the essentials of a chapter may very well subsist, and be preserved, without them.[1]

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[1] [The real objection, which Dodd has somewhat confused, was drawn from a maxim of the canon law,—*nullum capitulum sine sede*; there is no chapter where there is no see. To this Ward replies,—"Let the objectors tell us why a bishop may be sent to a nation, invested with episcopal ordinary jurisdiction, without a see, and a chapter may not be instituted by such a bishop, without a see. It must be owned that, according to the canon law now in use, both cases are singular. If therefore the jurisdiction of an ordinary can be delegated to a bishop, and he invested with all the rights and privileges of an ordinary, without any determinate see, why may not the same be subdelegated by a bishop to a dean and chapter, for the continuance of the succession of episcopal ordinary jurisdiction, without a determinate see? * * *

"But, secondly, it is sufficiently manifest of what kind of chapters that rule is to be understood, viz., of chapters endowed with the extrinsical and accidental ornaments, as a material cathedral church, choir, revenues, and the like, as they are in countries where the catholic religion is established and exercised in all peace and tranquillity:—from which time, or perhaps after, this began to be a rule; for it must and can have no ancienter date than the flourishing state of the church. Long before this time, bishops * * had *collegia presbyterorum*, *presbyteria*, or *senatus*, which are substantially chapters, although perhaps by another name, or then not so called. Such a chapter, and no other, we maintain ours to be,—a chapter after the apostolical and primitive manner and form, to be of counsel to the bishop whilst living, and govern the church *sede vacante* (which kind of chapter, as to these essentials, falls not under the rule of after ages, which cannot, nor intend not to abrogate natural rights); since our state in England is for poverty and persecution, like unto the primitive, and therefore ought to have the same comforts and supports for ecclesiastical discipline as they had, and upon the same terms.

"Nor indeed can it be thought that the relation of bishops or chapters is to material stones, riches, or revenues, * * but, as our first bishop of Chalcedon aptly expresses it in his letters patent of the chapter's erection, 'to the living members of Christ's body,' over whom bishops preside, as over their subjects and correlates. * * * If this could not be so, we must either say that it is impossible there should be a true bishop, or he to have any council, to assist him while living, and succeed him in the exercise of ordinary jurisdiction *sede vacante*, in any church that is poor, and under great persecution (which is

## No. LIX.—(*Referred to at page 153).*

### *** *King James to Gregory XV. Sept.* 30, 1622.

[Attested copy in the State Paper Office, Ecclesiast. Papers, No. 295.]

Jacobus, Dei gratiâ Magnæ Britanniæ, Franciæ, et Hiberniæ Rex, fidei Defensor, &c., sanctissimo patri Gregorio Papæ XV. salutem omnimodamque felicitatem.

Sanctissime Pater,

Mirabitur fortassis sanctitas vestra, nos, in re religionis à vobis discrepantes, literis nostris vos primùm jam compellare. Ea verò est animi nostri inquietudo, propter calamitosas istas discordias ac cædes, quæ christianum orbem superioribus hisce annis tam miserè dilaniarunt, tantâque curâ et solicitudine quotidie tenemur, ut istis malis, quantùm in nobis est, tempestivè occurrantur, ut ne diutiùs quidem abstinere potuimus (dummodò eandem sacrosanctam adoramus omnes Trinitatem, nec aliundè quàm ex sanguine et meritis unius Domini et Salvatoris, Jesu Christi, speramus salutem), quin, rupto silentio, sanctitatem vestram humanitèr et seriò his literis interpelleremus, ut negotio tam pio, et tam christiano principe digno, manum nobiscum præbere dignemini. Optandum certè est atque imprimis enitendum, ne ulteriùs hoc serpat malum; verùm ut, cessantibus his demùm procellis, ac amotis quibus scissitabantur odiis, principum animi, quorum aliquo modo intersit, firmâ atque immutabili amicitiâ reduniantur, ac, quà fieri potest, arctioribus quàm antea vinculis colligentur. Hoc in votis nos semper habuimus, necnon ut efficeretur operam hactenùs impensè atque enixè dedimus; haud dubitantes quin sanctitas vestra, pro egregiâ suâ pietate, et quâ pollet apud singulos authoritate, idem insignitèr etiam promovere et possit et velit. Vix aliâ viâ meliùs quis mereri poterit de christianâ republicâ: quòd si in vestris diebus, vestrisque auspiciis, desiderabilem sortietur effectum, meritò tam præclari operis debitam sanctitas vestra reportabit gloriam et mercedem. Quod reliquum est de hâc re à nobis dicendum, fusiùs vobis exponet nobilis hic subditus noster, Georgius Gagius; eique ut plenam adhibeat in omnibus fidem sanctitatem vestram imprimis rogamus, cui incolumitatem, cæteraque omnia bona à Deo ter Opt. Max. animitùs precamur.

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not only false, but sounds horrid to a christian's ear, and is against all antiquity), or else we ought to say that there may be true bishops and chapters, without those extrinsicals required in the canons of later ages; the want of which consequently prejudices not such a chapter as we pretend to." Ward's MS. 71—74.—*T.*]

Datum ex palatio nostro Hamptoniensi, pridie calendas Octobris, 1622.

This letter is drawn by our express order,

JAMES R.

Præsentibus nobis { CHARLES P. / G. BUCKINGHAM.

*Endorsed:*—" Done by his majesty's express commandment, and perused and signed in the presence of the prince and my lord of Buckingham, who have attested the same by the subscription of their names.

" The fair copy agreeing with this, signed by his majesty (they also being present), and directions given by his majesty to Mr. Gage for the disposing of it; to whom by his commandment it was delivered."

No. LX.—(*Referred to at page* 153).

*King James to Clement VIII. Sep.* 24, 1599.

[Rushworth, i. 162.]

Beatissime Pater,

Cum variis ad nos perlatum fuisset rumoribus quàm diligentèr nostræ sortis æmuli sæpiùs egissent, ut authoritatis vestræ acies in nos distringeretur, quâque constantiâ id pro vestrâ prudentiâ hactenùs fuerit recusatum, committere noluimus quin, accepti memores beneficii, gratias ageremus; opportunam nacti occasionem, cum lator præsentium, natione nostras, vester adscriptitius, in fines ditionis vestræ reverteretur; quem, pro suâ indole vestris ornatum beneficiis, vestræ sanctitati commendamus, ut eum in iis, quæ nostro nomine habet impertienda, audire placidè non dedignetur. Et quia adversùs malevolorum calumnias, qui, nostras in catholicos injurias commemorando, nobis invidiam et sibi gratiam conciliant, nullum tutius remedium agnoscimus, quàm ut è nostratibus aliqui veritatis studiosi, quantùmvis a religione, quam nos à primâ hausimus infantiâ, abhorrentes, honestam in curiâ Romanâ demorandi occasionem semper haberent, ex quibus vestra sanctitas certò possit in quo statu res nostræ sint ediscere. Hoc nomine, episcopum Vazoniensem vobis commendamus, qui, ut sortis suæ qualecumque incrementum vestræ sanctitati duntaxàt refert acceptum, ita cardinalatûs honorem prioribus beneficiis, nostrâ præsertim gratiâ, adjici obnixè rogamus. Sic inimicorum cessabunt calumniæ, præsentibus qui rerum gestarum veritatem possint adstruere. Nec actionum nostrarum ullam æquos rerum æstimatores cupimus latere, qui, in eâ religionis quam profitemur puritate enutriti, sic semper statuimus, nihil melius tutiusque, quàm, citra fucum, in iis promovendis, quæ divini Numinis gloriam seriò spectant, piè contendere, et, remotis invidiæ

stimulis, non tàm quid religionis inane nomen, quàm quid veræ pietatis sacrosancta tessera requirat, charitatis semper adhibito fomento, diligentèr considerare. Sed quia de his copiosiùs cum latore præsentium, viro non inerudito, et in rebus nostris mediocritèr versato, disseruimus, longioris epistolæ tædio censuimus abstinendum.

Beatitudinis vestræ obsequentissimus filius,

J. R.

E Sanctâ Cruce,
24 Sept. 1599.

*Instructions to Mr. Drummond relating to the above cited letter.*

Summa mandatorum Edwardi Drummond, jurisconsulti, quem ad pontificem maximum, ducem Etruriæ, ducem Subaudiæ, cæterosque principes et cardinales ablegamus.

Salutabis imprimis nostro nomine, quàm potes officiosissimè, pontificem maximum, cæterosque principes et cardinales; datisque nostris literis fiduciariis, significabis,—

Cupere nos vehementèr eum, quem decet, amoris et benevolentiæ modum cum iis conservare, omnemque removere, non suspicionem modò, sed et suspicionis levissimam quamcumque occasionem:

Quòd quamvis in eâ persistimus religione quam à teneris hausimus annis, non tamen ita esse charitatis expertes, quin de christianis omnibus benè sentiamus, modò in officio, primùm erga Deum Opt. Max., deinde erga magistratus quorum subsunt imperio, permanserint:

Nullam nos unquam sævitiam contrà quoscumque catholicos, religionis ergò, exercuisse:

Et quia plurimùm interest nostrâ, ut, pari diligentiâ quâ malevoli mentiuntur, nos per amicos et subditos veritatem possimus astruere, idcircò eniteris in hoc totis viribus, ut pontifex maximus, tàm rogatu nostro, quàm precibus illustrissimorum principum quos per literas nostras ad hoc rogavimus, induci possit, ut episcopus Vazoniensis in cardinalium collegium adsciscatur: In quo si profeceris, ut de eo redditi fuerimus certiores, ulteriùs progrediemur. Cavebis, ne in hoc negotio ad pontificem maximum, aut illustrissimos cardinales, ulteriùs progrediaris, nisi priùs subsit certa spes optati eventûs.

END OF VOL. IV.

SEE OVER.]

*** *The papers marked with asterisks were not printed in the former edition of this work.*

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